

## EXTENSIONS OF REMARKS

TRIBUTE TO THE COMMUNITY  
COMMITMENT AND DEDICATION  
OF WILLIAM AND VICTORINE  
ADAMS

## HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. MFUME. Mr. Speaker, I rise today to pay tribute to two outstanding Marylanders. William and Victorine Adams have been married for 55 years and together they have unselfishly worked to uplift their community economically, socially, and politically.

William Adams, affectionately known as "Little Willie" to his friends, has worked all of his life promoting entrepreneurship in Baltimore. Mr. Adams was able to overcome the many setbacks of segregation and set out to develop himself into a very capable entrepreneur. In 1935 he opened Little Willie's Inn. He went on to open Adams Realty Brokers in 1938 and Club Casino in 1940.

Mr. Adams invested his money in several business endeavors, but one of his greatest investments was his partial financing of the Crayton Sausage Co., which later became Parks Sausage.

Not only did Mr. Adams create his own businesses, provide jobs, housing, and entertainment for many people of African ancestry, he also found time to be instrumental in the development of other minority businesses throughout the State of Maryland.

Willie Adams has not been stingy with his wealth. He has given underprivileged children the opportunity to continue their education by setting aside funds for college-bound students. Mr. Adams believes that everyone must do their part to improve living conditions for people in our society.

Among his many activities and achievements, Mr. Adams currently serves as vice president of A&R Development Corp., a national real estate company, headquartered in Baltimore. Now semiretired, Mr. Adams also manages Adams Realty and Montgomery Liquors, both of which he owns.

Mr. Speaker, Victorine Q. Adams has worked many years in the Maryland political arena trying to improve the lives of people of all persuasions. Many years ago, Mrs. Adams and her husband attended a political gathering, during which Mrs. Adams learned that the black vote was not important to some candidates because they believed that it was no longer necessary to cultivate it. She then dedicated her life to inspiring the community in believing that they could make a difference if they only began to vote. Mrs. Adams basically focused her efforts on the two minority groups most disenfranchised, blacks and women.

Eventually, Victorine ran for political office and made history by becoming the first black woman on the City Council of Baltimore. Her

achievements, however, extend far beyond that. Not only can she be classified as a public servant, Victorine Adams is also an educator, and a civic leader.

In 1946 she organized the Colored Women's Democratic Campaign Committee and in 1958 Women Power Inc. Her dedication to the city made her extremely sensitive to its needs. In 1979, following a very bitter winter, Mrs. Adams formed the Baltimore Fuel Fund. The fuel fund has developed today into a major cooperative program between other private and public donors and the Baltimore Gas & Electric Co.

Mrs. Adams also remains very active today. She is a member of many organizations and still serves her community with as much zest as ever. Victorine recently directed a door to door campaign to raise funds for a community hospital in Baltimore. Her years of service have touched many lives in Baltimore.

Mr. Speaker, I would like to express my appreciation to William and Victorine Adams for the enormous work they have done. Their determination to improve a community which some people have lost hope for, deserves to be commended. Mr. and Mrs. Adams have shared their time, talent, and finances for several decades. I am very thankful to them and appreciate all of their fine works. I wish them continued success and happiness.

TRIBUTE TO DANA MAUREEN  
BROWN

## HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Dana Maureen Brown, of Newport, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for Rogers High School, in Newport, RI.

This award is presented to the student chosen by Rogers High School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Dana Maureen Brown has certainly met these criteria. She is a gifted student, ranking in the top 5 percent of her class. She is also an active vocalist, acting and singing in several drama productions. In addition, Dana is very concerned about the environment and animal rights and has volunteered in the pet therapy program at the Potter League.

I commend Dana Maureen Brown for her outstanding achievements and wish her all the best in her future endeavors.

VIRGINIA SNITOW AND WOMEN-TO-  
WOMEN: WORKING FOR CHANGE

## HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mrs. LOWEY of New York. Mr. Speaker, I'd like to tell my colleagues about an organization which has helped in numerous ways to improve the quality of life for the women of our stalwart ally, Israel. I am referring to an organization called United States/Israel Women-to-Women, and to effectively share with you the spirit of this organization, I must also comment about the remarkable woman named Virginia Snitow who brought it into being.

In 1977, Virginia Snitow was told of a shelter in Jerusalem for battered women and their children, a place which was about to close its doors because it could not afford \$200 for rent. There are many people, unfortunately, who would not be affected by that kind of information, or who would respond with a regretful sigh and nothing more. Virginia Snitow, however, could not let this go by. She is not that kind of person. She called friends and the shelter was saved. More importantly in the long run, the groundwork for Women-to-Women had been laid.

Virginia Snitow, a long-time teacher, activist, and philanthropist, went on from that simple act of kindness to build an organization that has helped literally thousands of Israeli women. The contributions of Women-to-Women have helped fill a gap that would otherwise have left these women hopeless and with no place to turn.

As an Israeli social worker recently wrote after meeting with members of the organization, "Your devotion to women's issues and Israel was heartening at a time when support for that combination of concerns may be problematic. But more important, perhaps, our meeting was a reaffirmation of the friendship and mutuality of interests between us. We know that we have someone—many in fact—that we can count on to help us as we try to help the women and children who turn to us, often as a last, desperate measure."

Mr. Speaker, Virginia Snitow is celebrating her 80th birthday soon, and the members of the organization that was brought to life by her natural selflessness are taking the opportunity to pay tribute to her. I am certain that all of my colleagues wish to join them in that joyful task by extending to her our deepest congratulations and our appreciation for all she has achieved for others.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

**PROLIFERATION PROFITEERS:  
PART 14**

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. STARK. Mr. Speaker, German firms played a critical role in assisting Pakistan's nuclear weapons program. Pakistan has, in turn, talked of providing nuclear weapons assistance to other countries in the Islamic world, including Iran and Iraq.

Below is part 14 in the series of case studies on foreign firms which have sold nuclear weapons technology without the proper safeguards. There are two firms discussed, both German, which have provided extensive assistance to Pakistan, South Africa, and India. These firms also do a lot of business in the United States.

I am encouraged by Germany's recent efforts to tighten its export controls, but I am still concerned about Bonn's commitment in this area. In previous years, Germany has changed its laws only to return to business as usual when the heat was off.

The situation is critical enough that we need an insurance policy on nonproliferation. I have introduced legislation to put import sanctions on these companies from Germany and elsewhere which engage in nuclear wheeling and dealing that leads to proliferation. My bill, H.R. 830, now has 33 cosponsors, including both Democrats and Republicans.

FIRMS 2 AND 3: NEUE TECHNOLOGIEN GMBH & PHYSIKALISCH TECHNISCHE BERATUNG (GERMANY)

Neue Technologien GmbH (NTG) is a German nuclear engineering firm of approximately 100 employees, active in many areas including nuclear materials handling, decontamination, metallurgy, and vacuum technology. It was known until 1986 as NTG-Nukleartechnik GmbH and Partner. Physikalisch Technische Beratung (PTB) was a subsidiary of NTG established by Rudolph Maximilian Ortmayer to protect NTG's anonymity and to serve as an intermediary in transshipments to Pakistan. After Ortmayer was fired in mid-1988 as NTG's Technical Director, investigations of both firms were begun for illegally exporting nuclear components and materials from Germany to Pakistan, India, and South Africa between 1982 and 1988. The illegal exports to Pakistan reportedly included both tritium and tritium processing equipment, components of an installation to make nuclear fuel, and transport and storage containers for uranium hexafluoride (used to enrich uranium). Tritium exports are especially sensitive because tritium is an essential link in the process of constructing a hydrogen bomb. The total value of the deliveries was estimated at DM 20 million. NTG is also believed to have sold India "reflector material" and equipment used to control atomic reactions in nuclear plants. In addition, a device used to make nuclear fuel was illegally exported to South Africa. The director of PTB, Peter Finke, acknowledged that zircalloy cladding (used to make nuclear fuel) assemblies was sent to Pakistan for its Kanup heavy water reactor. The German firms supplied the U.S.-origin zircalloy after Canada had refused the sale due to proliferation concerns.

In 1986, NTG re-exported from Germany to Pakistan two high-powered lasers, which were made in the United States and used for nuclear fuel fabrication. The U.S. suppliers to NTG were Coherent General and General Electric Corporation, both of which thought that the lasers were going to stay in the FRG. Instead, the lasers were sent to Margalla Enterprises of Pakistan (allegedly a procurement agency for the Pakistan Atomic Energy Commission). A PTB director said that Pakistan repeatedly pressured him to acquire an entire range of nuclear technology, including technology to produce a thermonuclear weapon. In 1987, the U.S. firm Imperial Cleveite Corporation (a subsidiary of the U.S. firm Gould Inc.), sold components for a reactor refueling machine to an NTG agent in the United States. The components eventually were illegally re-exported to India. Through its subsidiary, Scientific International, NTG also participated in the bidding process for the laboratory construction projects of several prominent U.S. companies and research centers. By means of bidding documents, it acquired sensitive nuclear-related blueprints from the United States, which German officials believe were passed on by NTG to its clients in Pakistan. NTG has supplied technology to numerous international customers, including the United States' Oak Ridge and Los Alamos National Laboratories.

Sources: DPA (Hamburg), 1/26/89; New York Times, 12/22/88 by Michael R. Gordon; Nuclear Fuel, 12/26/88, pp. 1, 9-11, 1/9/89, p. 2, 4/3/89, pp. 6-7, 5/1/89, pp. 12-13, 8/21/89, pp. 4-5 by Mark Hibbs; Nuclear Engineering International, 4/89, p. 3; Nucleonics Week, 1/5/89, pp. 3-5, 8/24/89, pp. 8-9 by Mark Hibbs; Politis-le-Citoyen (Paris), 2/22-28/90, pp. 50-55 by Mycle Schneider; Der Spiegel, 11/6/89, pp. 125-131; Die Tageszeitung (Berlin), 9-16-89, p. 4 by Thomas Scheuler; Welt am Sonntag, 12/25/88, pp. 1-2, by Heinz Vielan.

**TRIBUTE TO PATRICIA MULLER**

**HON. RONALD K. MACHTLEY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Patricia Muller, of Woonsocket, RI, this year's recipient of the Congressman Roland K. Machtley Academic and Leadership Excellence Award for the Woonsocket Area Vocational-Technical Facility, in Woonsocket, RI.

This award is presented to the student chosen by the Woonsocket Area Vocational-Technical Facility who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Patricia Muller has certainly met these criteria. She has been a member of the Vocational Industrial Clubs of America for 4 years, including two as State secretary. She has also been chosen as the "Outstanding VICA Student for Woonsocket and Rhode Island." In addition, she works with mentally retarded children at the Globe Park School and interns in a satellite program at the Rhode Island Association of Retarded Citizens, where she works with adult clients in a group home. Patricia was also the chair of the Meeting Street School Fund 1991 TV Telethon.

I commend Patricia Muller for her outstanding achievements and wish her all the best in her future endeavors.

**EDUCATION FOR THE COMMUNITY  
SISTER DOROTHY ANN KELLY,  
O.S.U.**

**HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today to salute Sister Dorothy Ann Kelly, O.S.U., a remarkable educational leader. As president of the College of New Rochelle, she has built an institution that serves our community and our country very well.

Sister Dorothy Ann first came to the college as a student, receiving her B.A. degree in 1951. She then earned a master's degree from the Catholic University of America and Ph.D. from Notre Dame University. In addition, she has received a number of well-deserved honorary degrees.

This remarkable woman has given a tremendous amount of hard work, dedication, vision, and energy to the college, which has earned a reputation as a place that contributes not just to the lives of its students—who are immeasurably enriched by their years there—but to the entire community of New Rochelle and beyond.

Her dedication extends beyond the college as well. She has served on the board of directors of the New Rochelle Community Fund, the Ursuline School in New Rochelle, and the New Rochelle Hospital. She is also a national leader in the field of higher education, serving as a trustee of the Catholic University, a director of the American Council on Education, and on the executive committee of the Teachers Insurance and Annuity Association of America. In addition, she has been the chairperson of the National Association of Independent Colleges and Universities, and a board member of the National Conference of Christians and Jews. All of these organizations—and the countless others which she has served—are immensely enriched because of the accomplishments of Sister Dorothy Ann.

It is a personal pleasure to have worked with Sister Dorothy Ann in many endeavors. She is one of those whom others know they can count on to get a job done. She knows that it takes hard work to make a difference, and she has never failed to give her all to the challenges of her far-reaching and diverse responsibilities.

This weekend, the New Rochelle Hospital will pay tribute to Sister Dorothy Ann at their annual Spring Salute. It is an honor that is richly deserved, and I am sure that all of my colleagues will join me in honoring this wonderful woman.



MOTION PICTURE ANTI-PIRACY  
ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. BERMAN. Mr. Speaker, today Representatives, CARLOS MOORHEAD, MEL LEVINE, BARNEY FRANK and I are introducing the Motion Picture Anti-Piracy Act, legislation which would amend the Copyright Act and the Criminal Code to prohibit trafficking in devices dedicated to defeating copyright protection.

In the last Congress, I introduced similar legislation and I believe this bill is an improved approach to a very serious problem.

The Motion Picture Anti-Privacy Act responds to the threat posed to copyright holder—creators, artists and distributors—by unauthorized duplication of copyrighted motion pictures. In recent years, there has been a dramatic increase in the options available to American consumers for viewing entertainment programming, particularly movies. Rental and sales of video cassettes have actually surpassed in volume theatrical showings and sales of movies to broadcast TV. The success of the video retail business has benefited consumers, who can rent and buy a wide choice of movies at their convenience and at moderate prices, and thousands of small business people who have obtained the opportunity to manage video rental outlets around the country. In addition, the growing cable and satellite pay-per-view market will offer yet another range of movie options to consumers.

This availability and diversity in entertainment choices is jeopardized, however, by large-scale violations of the copyrights of the motion pictures involved. Wholesale piracy takes place in major counterfeiting outfits, which turn out thousands of knockoffs of legitimate motion picture formats and, in addition, there are some retail video dealers who decide to buy one copy of a popular title, and then use it to make multiple copies.

There have been some highly publicized raids and arrests in the effort to combat piracy by counterfeiters and unscrupulous dealers. However, this kind of policing will reach only the tip of the iceberg. Given other pressing priorities, significant law enforcement resources will never be devoted to policing bootlegged copies of rental or pay-per-view movies.

During the past few years, the motion picture industry has sought to protect its copyrights by resorting to new technologies that prevent unauthorized copying of prerecorded videocassettes and cable and satellite pay-per-view programming. Simply put, these processes utilize electronic signals that do not affect the visible picture or interfere with the original viewing but do significantly degrade the copies.

The benefits of such anticopy systems are obvious. They enable motion picture companies to protect their copyrights without resorting to enforcement efforts destined to be ineffective or draconian. Virtually all the major motion picture companies have turned to such processes: Over 70 percent of all United States and Canadian videocassettes produced by major studios are so protected.

Unfortunately, the success of these anticopy systems has created a cottage industry dedicated to manufacturing black boxes which can defeat them. The purposes of these black boxes are not hidden; the advertisement for one begins with the question, "Problems copying movies?" Another notes that, "neither the manufacturer nor our dealers encourage people to use the macroliminator and two VCR's to make superb copies of rental movies for their own personal use in the privacy of their own homes."

The most obvious victims of unauthorized copying made possible by black boxes are the motion picture companies and the creators, artists and distributors who hold the copyrights being violated. The loss to the industry from domestic piracy is estimated to be over \$600 million per year. But the vast majority of the video retailers who play by the rules suffer as well, because the dealer who makes the unlawful copies can attract more business by offering a wider selection without paying for it. The Video Software Dealers Association [VSDA], has stated that "piracy is responsible for an average loss of \$36,000 for every law abiding video dealer." (Video Store, August 1989.)

If Congress is serious about protecting copyright, we should not stand by and allow the manufacture and marketing of devices or components which have no other real purpose than to infringe copyright. We should protect the new technologies that have been developed solely to protect copyright.

The legislation that I propose today amends two titles of the U.S. Code, the Copyright Act, title 17, and the Criminal Code, title 18, specifically the Electronic Communications Privacy Act. The Copyright Act amendments reaffirm that the copyright holder has an exclusive right to protect the copyrighted work from unauthorized copying. They add to the definition of an infringer any person who imports, manufactures, sells or distributes any equipment, device or circuitry whose primary purpose or effect is to deactivate a copy protection system. The bill also amends the Copyright Act to prohibit the importation of deactivating equipment, devices or circuitry.

The Criminal Code provisions of the bill amend the Electronic Communication Privacy Act's prohibition on the manufacturing, distribution and advertising of wire of oral communication intercepting devices to include devices, components or circuitry whose primary purpose or effect is to deactivate a copyright protection system. The provision currently carries a criminal penalty of up to 5 years imprisonment, a \$10,000 fine or both; civil remedies are available as well, including injunctions, damages, punitive damages, attorney's fees, and litigation costs. All of these remedies would be available in suits under the Motion Picture Anti-Privacy Act of 1991.

In brief, the title 17 provisions of the bill reaffirm the copyright holder's right to protect his or her work against unauthorized copying and define trafficking in black boxes as infringement. The title 18 provisions, which are new to the bill this year, ensure that copy protection providers, as noncopyright holders, also bear responsibility for enforcement of the statute by providing them a cause of action against black box traffickers. While black boxes are the prin-

cipal concern addressed by this bill, the legislation would also apply in narrow cases to changes in the circuitry of videocassette recorders, but only in those circumstances in which the primary purpose of effect of the circuitry is to defeat anticopy protection.

The case for this legislation rest on three points.

First, Congress has not hesitated in recent years to adapt the copyright laws to deal with the challenges and opportunities presented by changing technology. To take the most recent example, the Satellite Home Viewer Act addressed an analogous situation in which an anticopy system had been developed to protect copyright, but was being thwarted by descrambling devices. In an infinitely more complex situation, with a variety of competing interests, Congress intervened to ensure that the copyright holder's rights would be preserved against the pressure of changing technology.

Congress is not obligated to stay neutral between technologies which protect copyright and those which violate it. As the House Judiciary Committee noted in its report on the Satellite Act, "as has been the case for other new technologies, it is appropriate for Congress to intercede and delineate this Nation's intellectual property laws."

The Register of Copyrights, in supporting the bill in 1989, stated that the legislation:

Links more closely to copyright law protection of a particular medium of communication which rightsholders use to exploit the works. We protect cable and pay television delivery systems against misappropriation through the concept of theft of telecommunications services. We protect the right to encrypt telecommunications distributions to prevent their unauthorized reception \* \* \*. The [legislation] is in the mainstream of these sorts of measures to make secure new channels of copyright commerce.

Second, until this legislation goes forward, those who manufacture and market black boxes whose purpose and function is to violate copyright can do so with virtual impunity. The Supreme Court, in *Sony Corporation v. Universal City Studios*, 464 U.S. 417 (1984), better known as the Betamax case, established a stringent standard that a copyright holder must meet to show that a manufacturer or distributor of equipment used to copy is guilty of contributory copyright infringement. While it is one thing to apply such a standard with respect to equipment which has substantial noninfringing uses, such as Xerox machines or VCR's, it is quite another to allow black box manufacturers the same defense. The primary purpose of this product is, clearly and simply, to facilitate illegal copying by neutralizing the anticopy protection to which the copyright owner has resorted. But those who manufacture and market the boxes claim that they have all sorts of other positive benefits, such as enhancing the image. These claims are smokescreens for the true purpose of the boxes. Without this legislation, it would be difficult to stop the manufacture and marketing of black boxes without complex and costly litigation. The anomalous situation that exists under current law, is that a video dealer who is found using a black box and two VCR's to make illegal copies would be an infringer of

copyright. A company that manufactures, imports, sells, distributes, or advertises 10,000 black boxes which will be used to infringe copyright would likely not be an infringer. That result is neither logical nor good law. It is also a formula for largescale copyright violations, and it should be changed.

Third, this legislation would add credibility to the U.S. argument that our intellectual property must be respected around the world. In the past few years, there has been a surge of recognition that protecting U.S. intellectual property abroad is fundamentally important to our Nation's economic health and competitive future. Increasingly, as other nations have matched and surpassed our capacity for manufacturing in many sectors, our Nation's competitive advantage has evolved toward the export and trade of copyrighted films and television programming, computer software, and patented products like pharmaceuticals. Films and videos are among the few U.S. exports with a consistent and growing surplus.

At the same time, however, accumulating evidence demonstrates enormous losses around the world from piracy of U.S. intellectual property, and prompted by a new recognition of the magnitude and urgency of the problem, the U.S. Government has pressed intellectual property issues as a prominent part of its trade agenda. Intellectual property issues are among the highest priorities for the United States at the Uruguay round. The United States has in the past few years negotiated bilaterally with countries on issues as diverse as motion pictures in Korea and Taiwan, pharmaceutical patents in Brazil and India, computer software in Italy and Spain, trademarks in the Soviet Union, and TV programming in Great Britain and West Germany. Congress has voted to condemn, on both trade and intellectual property grounds, the European broadcasting directive, which would require that a majority of entertainment programming in Europe be of European origin. In April, Ambassador Hills identified India, the People's Republic of China and Thailand as countries that fail egregiously to protect United States intellectual property under the special 301 provisions of the 1988 Trade Act.

Under the circumstances, the legislation introduced today is particularly timely and important. It is by no means lost on our trading partners when we press them to respect U.S. intellectual property, while turning a blind eye to largescale and blatant copyright violations at home. Clearly, we strengthen both our negotiating position and our international credibility if we take meaningful action to combat copyright infringement at home.

Mr. Speaker, I conclude by mentioning that this legislation is being introduced today in the Senate by my friend the Honorable HERB KOHL. I look forward to working with him and my other colleagues to assure that this measure quickly becomes law.

## SAFE RECREATION NEEDED AT FEDERAL WATER PROJECTS

### HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise because the Federal Government is unable to ensure adequate opportunities for safe recreation at many Federal water projects. Today I introduced legislation that will amend Public Law 89-72 to allow Federal participation in the operation, maintenance, replacement and expansion of its recreation facilities, and give the Bureau of Reclamation needed authority to manage its lands.

My own State of Colorado has reached a critical point in its recreational management of several reclamation projects on the west slope. They are Crawford Reservoir, Navajo Reservoir, Paonia Reservoir, Rifle Gap Reservoir, and Vega Reservoir.

The recreation facilities that were constructed 25 years ago need to be replaced. Current use far exceeds original projections when the reservoirs were built. The Rifle Gap project facilities, for example, were designed for only 16,000 visitors per year, but actually receive more than 100,000. None of these facilities meets any Federal requirement of handicapped access. State officials estimate rehabilitation requirements for the five projects at \$30 million.

Colorado's decision to renew its management agreements at these projects will depend on a responsible Federal share in the rehabilitation of facilities. These State is not able to rehabilitate and manage the facilities. If responsible Federal participation is not available at these Federal facilities, the State may return them to Reclamation. I have attached to the text of my remarks a supporting press release from the Colorado Division of Parks and Outdoor Recreation.

The U.S. Bureau of Reclamation and the Western States are approaching a serious funding crisis in recreation and wildlife resource management at many Reclamation reservoir projects. These reservoirs provide water-based recreation, fish and wildlife habitat and wetlands of substantial importance, in addition to the hydropower, irrigation and flood control that are their primary purpose.

Recreation and wildlife management at 200 of these projects is provided by State and local governments through management agreements with Reclamation. The Federal Government bears none, or very little of the cost. State and local agencies can no longer afford the entire responsibility and are looking to Reclamation to fund a fair share of management of these federally owned facilities.

Many of these projects are more than 30 years old, and the recreation infrastructure is worn out. Facilities and management are no longer adequate to meet today's use levels, health and safety standards, handicapped access requirements and other public needs. Users and the local business people who depend on the recreation economy are insisting that something be done.

Existing Federal law, Public Law 89-72, which encourages non-Federal partnership ar-

rangements for recreation and wildlife administration, restricts and often precludes Reclamation's ability to be a responsible partner through reasonable costs sharing.

Consequently, 21 projects formerly administered by State and local entities have already been returned to Reclamation for management, and Reclamation has been unable to find sponsors for another 31 recreation developments. Ironically, Reclamation lacks the authority to manage these facilities.

In 1987 Reclamation announced a change in its mission. Operation and maintenance of facilities, including recreation facilities, are now Reclamation's highest priority. This bill provides the authority and the tools to get the job done.

Non-Federal management is cost effective. In 1989 State and local governments spent only \$30 million to operate 181 Reclamation sites while the Federal managers—NPS, BLM, USFS and USFWS—spent \$36 million to operate 95 other Reclamation sites.

These figures show that Congress' original concept of non-Federal management of Federal recreation facilities is still sound. But recreational use and costs have mushroomed far beyond what was projected in 1965 when Public Law 89-72 was passed. The Federal Government must bear more of the cost to make it feasible and attractive for the States to stay involved.

Mr. Speaker, my legislation will permit a fair Federal share in providing recreation opportunities at Federal water projects. While it may appear that the bill will increase Federal expenditures, it will actually save money. The alternative to this bill would be more and more projects turned back for 100 percent federally financed operation and the failure of the Government to meet growing recreation needs.

VISITORS TO STATE PARKS MAY BENEFIT FROM  
FEDERAL DOLLARS

PUEBLO, CO.—"Colorado State Parks supports and encourages the efforts of Congressman Ben Nighthorse Campbell," said Tom Kenyon, assistant director of the Colorado Division of Parks and Outdoor Recreation. "Congressman Campbell has introduced legislation that would allocate much needed federal funds for the repair and maintenance of several state parks including Vega, Crawford, Paonia, Navajo and Rifle Gap."

Congressman Campbell's legislation proposes to amend Public Law 89-72 of the Federal Water Project Recreation Act in regards to the allocation of the Bureau of Reclamation's post-construction funding. By changing the authority within the Bureau, more monies can be allocated for the repair and maintenance of Bureau facilities.

"Initially, the legislation proposed could bring roughly \$15 million in federal dollars into the State of Colorado which the State would then match," Kenyon explained. "This would provide \$30 million for us to rebuild and repair the facilities at five of our state parks. These repairs will make these parks more pleasant to visit thereby increasing visitation and bringing additional monies into the area."

The Bureau of Reclamation is charged with the design and construction of dams and water projects across the U.S., projects like Lake Meade and the Pueblo Reservoir. Generally, once these facilities are completed by the Bureau, management of the resource is turned over to an outside agency like the Division of Parks.



Each facility is outfitted with some recreational infrastructure—gravel roads, vault toilets, campground pads—and visitation figures are estimated. In the past few years, actual visitation has exceeded the Bureau's estimates ten to one.

The impact of the large number of visitors to these facilities every year is beginning to show on the natural and man-made resources of the parks. For visitors, the now thirty-year old Bureau-designed campgrounds offer campsites that are too small, unpaved, narrow roads, and limited amenities. Today's buildings, roads, boat ramps and the like are crumbling and in dispair. Environmentally, the large numbers of visitors is causing soil erosion, water quality siltation, sanitation problems and an overall pressure on the fragile ecosystem that exists in Colorado's outdoors.

"We feel strongly that the Bureau of Reclamation must take responsibility for the various issues surrounding their lands," Kenyon stressed. "We have been told they have developed a plan that incorporates the management aspects of their lands including the hazardous waste issues, the recreational issues, etc. As a matter of fact, many of these federal facilities don't meet federal standards for handicapped accessibility."

"Tourists today are not the same as they were thirty years ago when these parks were built," Kenyon added. "The old parks were primitive, almost an afterthought to the Bureau project that created them. That may have worked for tourists in the fifties and sixties but today's tourists are more sophisticated. They compare recreational areas state-by-state. Colorado's recreational areas need to be able to compete with other western states for the tourist dollar."

According to Parks' staff, many campers today own recreational vehicles (RVs) that are twenty to forty feet long. The RVs need larger campsites, paved roads in and out of the park and electrical hook-ups. Many visitors, whether they camp in an RV or a tent, are planning extended stays. These visitors need modern toilet facilities and showers. They also want things to do while they are visiting including trails and interpretive programs, and they need additional services like food outlets, marinas and the like.

The five state parks most immediately impacted by this legislation are located in Mesa, Garfield, Archuleta, Gunnison and Delta counties. Congressman Campbell, his staff and members of Parks' staff have been in communication with the county commissioners in these counties regarding the state of the Bureau lands in their area and the proposed legislation.

"Congressman Ben Nighthorse Campbell has been as good a friend to State Parks as we could ever have hoped for," said Kenyon. "And his concern and commitment to the state has been outstanding. If this legislation is passed, the public will benefit tremendously from the improved facilities."

#### THE CONGRESSIONAL BUDGET RESPONSIBILITY ACT

**HON. TED WEISS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. WEISS. Mr. Speaker, we won the cold war. U.S. taxpayers deserve the credit: For 45 years they financed a good share of the defense of the non-Communist world. They de-

serve to benefit from the spoils of their victory, namely from resulting reductions in U.S. defense spending. Money freed up from military cutbacks should translate directly into improving the quality of life for Americans. Our citizens need and deserve better roads, better schools, better health care, and better economic conditions.

Unfortunately, a provision in last year's hastily assembled budget deal prevents taxpayers from realizing the benefits of their 45 years of sacrifice. Today, I am introducing legislation to amend the budget law to remedy this injustice.

Last year's Budget Enforcement Act, in the name of budget reform, placed caps on each of the three discretionary spending categories—domestic, defense, and foreign aid spending. To shift funds from one category to another, the Senate must marshal a formidable super majority, 60 votes, while the House only needs a simple majority. And, even if 60 Senators and a majority of the House agree on the shift, the Budget Enforcement Act subjects all programs in the increased category to an across-the-board cut.

Clearly, this provision limits Congress' ability to respond to domestic and international crises as they arise. Further, it eliminates incentives to make cuts in any one area if there is no way to use any of those savings for other priorities.

The current budget law means that if the American people and Congress want to employ the savings from a scaled-back SDI program to refurbish our deteriorating infrastructure, they cannot do so. Nor can they use savings from a cut in the wasteful MX and Midgeman missile programs to help our neglected children.

The legislation that I am introducing today would solve this problem in two ways. First, it would enable both Houses of Congress to exceed the budget cap in any category by simple majority vote, as long as the increase is balanced by a reduction in another category. Second, it would abolish across-the-board reductions if a cap is exceeded, as long as an offset is provided. Senator SIMON and Senator BRADLEY have introduced a similar measure in the Senate.

Last October, during consideration of the Budget Enforcement Act of 1990, the Senate passed an amendment to make it easier to transfer among discretionary categories, only for the amendment to be abandoned in conference. Congress now has another chance to remedy the rigid budget agreement. My legislation, the Congressional Budget Responsibility Act, will give us the flexibility to deal with our urgent domestic problems by finding savings elsewhere in the budget, rather than by raising taxes. I invite my colleagues to cosponsor this important legislation.

H.R.—

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That section 601(b) of title VI of the Congressional Budget Act of 1974 is amended—

(1) in paragraph (1) by striking "paragraph (3)" and inserting "paragraphs (2) and (4)"; and

(2) by inserting after paragraph (1) the following:

"(2) Notwithstanding any other provision of this title, a concurrent resolution on the

budget for fiscal year 1992 or 1993 (or amendment, motion, or conference report on such a resolution) or an appropriation bill or resolution (or amendment, motion, or conference report on such a bill or resolution) for fiscal year 1992 or 1993 that would exceed an allocation in this section or a suballocation made under section 602(b) based on the allocation is in order if it provides a reduction in any other discretionary allocation by an amount equal to or greater than such excess. Notwithstanding the Balanced Budget and Emergency Deficit Control Act of 1985, any discretionary appropriations category that is breached by the adoption of a bill, resolution, or amendment subject to the preceding sentence shall not be subject to sequester under section 251 of the Balance Budget and Emergency Deficit Control Act of 1985 to the extent that it is in compliance with the preceding sentence."

#### TRIBUTE TO QUYEN TIEU NGUYEN

**HON. RONALD K. MACHTLEY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Quyen Tieu Nguyen, of Ras Tanura, Saudi Arabia, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence award for St. George's School, in Newport, RI.

This award is presented to the student chosen by St. George's School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Quyen Tieu Nguyen has certainly met these criteria. She has been a member of Third World Outreach/Cultural Outreach. She has also been active in organizing World Food Day, the Oxfam Fast for a World Harvest, a used book drive, and a clothing drive. In addition, she has done volunteer work at the Newport Hospital.

I commend Quyen Tieu Nguyen for her outstanding achievements and wish her the best of luck in all her future endeavors.

#### TEACHING TO CARE AND HEAL: THE LIENHARD SCHOOL OF NURSING

**HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mrs. LOWEY of New York. Mr. Speaker, imagine a school that is dedicated to teaching other people to care and to heal. That's what the leadership of Pace University established 25 years ago, and that institution has flourished over the last quarter century. The Lienhard School of Nursing has turned the vision of its founders into a dynamic force for the benefit of all.

One of the most serious problems facing our health care system is the severe shortage of nurses. The 1988 vacancy rate for registered nurse positions in hospitals was 10.6

percent, and hospitals across the country have been forced to close emergency rooms, reschedule surgery, limit patient admissions and eliminate desperately needed hospital beds due to an inability to obtain a sufficient number of nurses to provide adequate staffing. This is a tragedy, one that the Lienhard School is working hard to overcome.

Nursing is one of the most noble of all professions. The combination of professionalism, intelligence, efficiency, and—most importantly—compassion which is the hallmark of a good nurse is overwhelming in its power. A well-trained nurse makes countless invaluable contributions to society every day. Fortunately for all of us, the Lienhard School has been very effective in training nurses for their vital profession.

Mr. Speaker, I salute the Lienhard School of Nursing on its 25th anniversary. Now more than ever, their dedication to excellence is more than appreciated, it is essential. I am sure that my colleagues join me in wishing them a long future of growth and caring.

#### A TRIBUTE TO DR. JIMMY WALLS, JR.

#### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. DUNCAN. Mr. Speaker, one of the finest men I know is Dr. Jimmy Walls, a retired University of Tennessee geology professor.

Dr. Walls is a longtime close personal friend of mine and my family.

He served as director of welfare during the 6 years my father was mayor of Knoxville.

He taught at the University of Tennessee for 50 years, longer than any other professor.

A native of New Hampshire, Jimmy Walls became one of the most popular and respected men in Knoxville and at the university.

He honored me by serving as a bailiff for me when I was criminal court judge for Knox County.

Jimmy Walls and his wonderful wife, Nancy, are real assets to Knoxville and to the State of Tennessee.

This is why I was especially pleased to read the articles in the May 1991 *Volunteers* magazine by Tom Mattingly.

I would like to share it with my colleagues by reprinting it in the *RECORD*.

[From the *Tennessee Volunteers*, May 1991]

#### THE STATELY "WALLS" OF OLD U.T.

(By Tom Mattingly)

"The world seldom notices who teachers are; but civilization depends on what they do."—Anonymous.

"Nice guys finish last."—Attributed to Leo Durocher.

Durocher was wrong. This is a story about Dr. James Gray Walls, Sr., a nice guy who finished first, a professor you may have had in class when you were on the Hill as an undergraduate.

When you think about it carefully, you can probably name several of your favorite professors from your time on the Hill, regardless of when you were here.

There was, for example, Dr. Ruth Stephens, the distinguished professor of history

who brought that subject alive year after year on campus and, in later years, on local television.

Or perhaps, Dr. Fred Holly, the erudite economics professor who was a particular delight in spring quarter during Kentucky Derby week.

Then there was Mr. Bill Cherry, the opinionated and often abrasive professor of geography from Clay County, who would opine on any number of subjects during his class time, yet manage to slip in more than a few salient facts about economic geography in the process.

There were Dr. Lee Greene and Dr. Otis Stephens in political science, Dr. Edwin Trainer, Dr. Mike McDonald, and Dr. Stanley Folmsbee in history. Dr. Tony Spiva and Dr. Ronald Wolf in Economics, Dr. James Tanner in zoology, Dr. Dick Penner in English, and many, many others.

But Jimmy Walls' name really stands out above the rest, at least for the period covering 1930-77.

Walls taught introductory Geology and a few other related courses during that time, touched the lives of over 40,000 students during his career, and was an integral part of student life on campus.

There's no James G. Walls Geography and Geology Building on the UT campus here in Knoxville, but perhaps there should be.

We'll tell you why.

We'd known Jimmy Walls for years, eschewing the more formal title of "Doctor" or even "Professor," as Haywood Harris recently greeted him at a well-known West Knoxville eatery.

We now know him better after visiting with him and his wife, Nancy, at their condo located just off Kingston Pike on a bluff overlooking much of West Knoxville.

It was a miserable January afternoon, raining, cold and all that, but as we talked for nearly two hours, the bad weather was soon forgotten as the Walls magic took hold.

Immaculately dressed and coiffed, complete with a bright red handkerchief in the pocket of his red and black checked sports coat, he was as charming and as polished on that late January day in 1991 as he was during his time in front of his classes at the University of Tennessee.

Walls built his career on the introductory course, preferring to stay close to the student body.

"I soon saw that the action was in the beginning course. That's where the crowds were. People who taught advanced courses taught maybe six or seven students. In mine, I was teaching hundreds. That's where I wanted to be."

In fact, he began his teaching of Geology at the same time the Geography and Geology Building opened its doors for business on the Hill. He was 22 years old, not much older than the students he would be teaching.

"I came with the Geology Building," he related. "It opened in 1929. We were the first group to go into it. I was a student-teacher that first year. I was on a scholarship, teaching in laboratories."

To many students during those years, a UT education was not complete without his Introductory Geology sequence. He was a student favorite and was best known as the student's friend.

He was, for example, the faculty advisory for the Nahheeyayli governing board, the group that brought the big bands to the University.

He was also associated with the Scarabean society, was faculty advisor for Kappa Sigma fraternity and was treasurer of the T Club.

At the insistence of Col. Paul Parker, he was also the Vol golf coach. Never fear. He was an adept linkster in his own right, once playing an exhibition in Knoxville with the famed women's champion Mildred "Babe" Zaharias.

He received his introduction to Vol football from a chance encounter on Cumberland Avenue with UT botany professor Lex Hesler, whose name now adorns the biology building on the Hill.

A fellow member of Kappa Sigma fraternity, Hesler introduced young Walls to Vol coach Captain Robert R. Neyland and his coaching staff. Walls, you might be interested in knowing, was a better-than-average fullback during his collegiate days.

Neyland's final words to Walls that day were: "We want you to feel free to come to practice anytime you want to."

With those words, a career was begun. "That started me in going to Tennessee football practice and every coach since then has invited me to practice."

"John Majors is halfway furious with me because I won't. Every time he sees me he asks me why I don't come to practice."

Like many (or most, perhaps) of his generation, Walls is a Neyland devotee, having seen Neyland's career evolve over the years.

"You know, as well as I, the defenses he used were so far ahead of his time and are still being used," Walls told us. "He was a tremendous organizer and never wasted a lot of time. We were good friends. I parked my car next to his at the stadium."

You'll probably remember Walls as a well-dressed professor, one who believed an instructor had to set a proper example for his students.

"It behooves a man who is leading the group to look as good as he can. I always wore the best clothes I could afford. I dressed up every day. I always had a coat and tie on."

"Apparently a lot of the parents appreciated it and told me that. I may not realize it, but it did have an effect on their children. I'm probably a little old-fashioned along those lines."

You'll remember him as the professor who made sure the student in the back row could hear what he had to say, could read what he put on the blackboard and could have every chance to earn a passing grade in his class.

"In teaching at the University for nearly 50 years, I made sure I was speaking plainly to the young man in the last row."

"It was important that he could hear what I had to say. I delivered all my stuff to the guys in the back. That way, anybody in between could hear it."

I've always tried to speak plainly. When I wrote on the board, I always wrote so people could read it. I was interested in teaching. You don't have many good teachers.

"The way I helped people was to have extra classes and go over the material. That was for anybody who was interested in attending. My philosophy always was to help anybody who would help themselves."

His approach was simple. "I tried to get the students in a good frame of mind," he told us. "Once you can get them smiling with you, you can give them two hours work in one. I was doing that all the time."

"My wall was covered with plaques given for excellence in teaching. Nobody else had them in the Geology Department. I must have done pretty well."

Among others, he won the Alumni Outstanding Teacher Award (1972) and won the Phi Eta Sigma Award for Excellence in Teaching in 1970.



He did well enough that he became a campus legend, a professor who openly admitted his first love was his students, a professor who legitimately enjoyed the interactions the classroom experience engendered.

"I never thought of myself as a scholar. My forte was getting along with people. My students understood me and I understood the students. I was able to speak their language. We got along really well."

It was Cherry, a campus legend in his own right (just ask any of his former students about his perceptive and insightful comments on TVA, Cas Walker and Blount Mansion, to name just a few subjects), who was one of Walls' biggest supporters on campus.

He once told Dean Alvin Neilson that Walls was "the best teacher in the University." It was a conversation that helped move Walls up the University hierarchy.

Walls saw his students as his research, saving his best efforts for those people who were in his classes. One dean told him his efforts for promotion were fruitless because "You don't do any research." But Walls had a quick rejoinder.

"We're hired for three things," Walls recounted. "First in importance is teaching, second is research and third is community activities. These are the three things you're supposed to do as a college professor."

"I have apparently done all right in teaching. It's true I don't do research. Students are my research. I have so many. My classes were large. I was turning in grades for 400-500 people every quarter while the rest were turning in grades for six or seven."

In the public service end of things, he didn't do too badly either. He was Director of Welfare for the City of Knoxville from 1956-66.

Dance had tabbed him for the post, despite the fact Walls had not lobbied for the position nor had any involvement in the Mayoral campaign, other than, as he noted, casting a ballot in Dance's favor.

Ever active in the community, Walls is now a bailiff under Judge Randy Nichols in Criminal Court in Knox County. There's no moss growing under his feet.

He'll be 84 by the time you read this, on March 18, to be exact, but please don't ever count Jimmy Walls out.

Fellow bailiff Leon Silvey picks him up at 7:00 a.m. sharp every day and hardly a day goes by that the famed Walls charm doesn't make jury duty and life around Criminal Court a little more bearable.

"I'm in charge of juries that come into Criminal Court," Walls said. "I meet them, shake hands with them and try to be kind to them. They're up there under duress. They're not up there because they want to be. They're up there because they received a subpoena. I think they ought to be treated like guests."

It's not until the listener hears the "ah" in the word "charge" that Walls' New England roots become apparent, despite the passing of time since his New Hampshire days.

"Jimmy Walls is a native of New Hampshire and if one listens closely he can pick up a few New England intonations in linguistic mannerisms," famed sportscaster and 1943 UT grad Lindsey Nelson once wrote. "However, he has managed to mix them in with the smooth flow of Southern speech with a resultant product that is just short of song."

"And that is something Dr. Jimmy Walls does best. Just by saying 'hello,' he can make you think this is the most marvelous day we have ever had and you are the most important person who has ever been."

"No one has been able to tell where I was from by my accent," Walls told us. "Most

people, you could tell. They've never been able to guess where I was from. I haven't been able to figure out why. My parents were born in Scotland. Maybe I picked up a brogue from them."

"Walls is a man of varied interests, who was intimately involved in the Vol athletics program during most of his tenure on the Hill, serving as golf coach and working the stadium and Alumni Gym on game day."

He pretty much did it all, ordering concessions, paying the officials and running the festivities. The actual game preparations, we assume, he left to the Vol coaching staffs.

He also told us he was the first to use a variant of the phrase Vol fans know by heart: "Please Pay These Prices and Please Pay No More."

(In the 1939 game programs, it says: "It is requested that any attempt by our salesmen to charge prices other than those listed will be reported to the Information Booth." The more famous phrase appears for the first time, according to our research, in the 1953 game programs: "Please Pay No More.")

"What happened was that kids were selling programs for 50 cents that should have sold for a quarter," Walls said, "I wanted to stop that so I said to pay the scheduled prices and no more."

It wasn't supposed to be a lifetime deal back in 1929 for young Walls, who was, as Nelson noted, a native of Newton, New Hampshire.

"I came to the University to get a master's degree in 1929," Walls told us. "After I received it, they invited me to stay and teach a year."

"I had a position offered me in New York City, but I thought another year in the South wouldn't hurt me any. I took the job and I've been here ever since."

When he arrived, it was in the tenure of Harcourt A. Morgan as the University's president. Union City's Tom Elam was the editor of *The Volunteer* and the Vol footballers racked up a 9-1 record, losing only to Alabama. It was the time of "Hack, Mack and Dodd," when the Vols chalked up victories nearly every time out.

Shields-Watkins Field was nine years old and seated 17,860. There were 59 rows on the west side and 17 on the east.

Walls completed his education with a Ph.D. from the University of North Carolina, the product of 10 summers spent there between 1930 and 1946, simply because he felt he couldn't take the time away from his students.

"When I took my Ph.D., I took it with the idea of becoming proficient in the teaching of elementary geology. That's what I did from that point on. That's all I did. I was the man in Elementary Geology."

Walls remembered his first day in class at UT and the nervousness it engendered.

"I can remember very well that I had written out on a yellow legal pad enough notes to last me through two weeks," he said, laughing at himself as he remembered the elaborate preparation.

"At the end of 45 minutes, I was finished. I said that will be all for today and we left. Toward the end of my career, I didn't have anywhere time enough. I could speak for a whole quarter from a couple of three-by-five index cards."

Walls taught long enough to have fathers and sons, mothers and daughters in his class. Many times, he told one or the other he wished they were as good a student as their son/daughter. He even had his son in his class in the late 1950s.

"Let me say here I speak from personal experience on this matter," Nelson wrote

about Walls in 1982, "because I studied Geology under Dr. Walls and so did my youngest daughter."

"Jimmy Walls has the grade books for every class he ever taught, with the names of the thousands of students neatly inscribed therein. And he can look you up in the twinkling of an eye. It's sort of a geological 'doomsday book.'"

It was Nelson who succinctly summed up Walls' appeal: "His friends are all the people he has ever met." And Nelson, a close friend for years, was correct.

In short, Jimmy Walls has made a solid impression not only on the University community, but on the lives of the people he's taught over the years. He's made the University community take notice of his accomplishments.

Think about that the next time you hear that phrase in the alma mater that mentions the "Stately Walls of Old U. T."

Now you have a better idea of what it might mean.

## AN OIL AND GAS OVERVIEW

### HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. McEWEN. Mr. Speaker, in the midst of discussion over the National Energy Strategy, I would like to commend to my colleagues' attention the following overview on oil and gas presented by Mr. Jack Copeland, chairman of Copeland Consulting International, to the Big Horn Mountain Foundation earlier this year.

As work continues on ensuring the proper role for fossil fuels in any final national energy policy, I hope all my colleagues will take a moment to read Mr. Copeland's analysis.

#### OIL AND GAS OVERVIEW

(By Jack Copeland)

The Big Horn Mountain Conference operates on the following premise: That governments of the world want to achieve long term economic growth. If these objectives are to be met, secure sources of energy must be maintained. In order to do this, each country will act on what it perceives to be its vital individual interests, reflecting both short and long term objectives. An example is the following: It would not be in OPEC's best interest to maximize short term revenue at the expense of losing long term markets to alternative energy sources. If the world were a perfectly harmonious place, there would be no need for conferences, such as this, to bring together distinguished thinkers and develop reasonable strategies to insure adequate energy supplies for economic growth.

It is difficult to mold political opinion in democracies and free markets. The economic hardships which result when countries select the wrong policies can be dramatic and far reaching. The Gulf War is a pertinent example of the consequences of a clash between the vital interests of countries for both the short and long terms. The events of the past eight months have magnified the difference that exists between the objectives of consumers and producers regarding the world energy supply/demand balance.

The current events that are unfolding on a daily basis in both the Middle East and the Soviet Union are disturbing to those planners who look at the two largest producing

regions in the world and view the political instability and the uncertainty. I would like to focus on the various producer/consumer regions in greater detail, so as to point out how government policies can disrupt economic planner's forecasting models.

The OPEC pricing strategy in the mid 70's maximized revenues on a short term basis. As prices moved up, the world could not respond quickly. These pricing decisions were effective in transferring huge amounts of wealth from the consumer to the producing nations. This led to serious Third World debt problems that are still being resolved, slow economic growth in the industrialized nations, and difficult long term policy solutions for countries, such as Japan, Korea, and other totally dependent nations.

The exploration discoveries of the late 60's in Alaska and the early 70's in the North Sea and Mexico came on stream during this period and benefitted from OPEC's pricing models. However, conservation, alternative fuels and the capital infusion from increased exploration economics all served to increase competition dramatically. As a result, in order to maintain prices, Saudi Arabia became the swing producer within OPEC and saw its production decline from over 9 million down to a low of 2.5 million barrels per day (B.P.D.). In the summer of 1985, Saudi Arabia decided many OPEC members were exceeding their quotas at the expense of Saudi Arabia's production cut backs. It reversed its decision and informed the world that it was no longer going to accept this role. What resulted was the price collapse of the late 1985-86 period and a decline in the price of oil to \$6 to \$8 per barrel. The high cost producers were devastated as a result of this price collapse. The studies that I undertook in the early 80's indicated that the finding, developing and production costs in the United States necessitated oil in the \$25 range just to achieve a pre-tax return of 15 percent. Natural gas had gone through deregulation in the U.S. Major exploration dollars had been spent on deep gas selling at \$7 to \$8 per mcf, and when deregulation occurred, the natural gas industry was in financial difficulty. Oil service drilling companies and commercial banks were also destroyed. The price decline in oil in the U.S. to \$12 to \$15 per barrel, on average, wiped out all incremental revenues over and above the average lifting cost of \$12 per barrel at that time. (See chart no. 1) Charts not reproducible in the RECORD. In the 59 largest oil fields in the U.S. (excluding Prudhoe Bay), we estimated that 49 percent of U.S. production had a lifting cost of \$10 per barrel, or higher. (See chart no. 2) In addition, the 50 largest oil fields represented 44 percent of the total U.S. domestic production. These costs relate to the largest oil fields, and, therefore, have the benefit of economic size. Given the mature nature of the U.S. as an oil province, the discoveries in the early 80's had a tendency to be either smaller or deeper. In 1985, seventy-five percent of the U.S. oil originated from older fields. When oil fell to \$15 per barrel, the banking system in the Southwest became particularly worthless because of production loans calculated on oil at \$27+ per barrel. As a result, those bad loans eliminated the entire equity base of the largest bank's in the State of Texas. (See chart no. 3) This led to the collapse, or forced merger, of every major bank in the State and the repercussions are still being felt. However, lower priced oil created a huge bonanza for the industrialized consuming nations. It led to lower interest rates, lower inflation, and increased economic activity. The Third

World also benefitted, but was still mired in the debt which was generated to supply their energy needs in the late 70's and early 80's. These excessive debts, and the debt service, prohibited long term economic growth.

In the early 80's, the Soviet Union greatly benefitted from higher oil prices. They were the largest oil producer in the world, and had export potential of 3 to 3.5 million B.P.D. Mr. Gorbachev came into power at a time that foreign exchange revenues were peaking, although they were starting a rapid decline. I am convinced that as the price declines occurred in 1986, the central planners in the Soviet Union were setting revenue targets and not meeting them. As a result, they forced production targets in excess of prudent reservoir management, thus causing excessive reservoir damage which accelerated the actual decline rates that are currently being felt. This has led to the dramatic reduction of the Soviet oil production capability and the economic collapse of the Soviet Union. Reports coming out of the Soviet Union state that decline rates are running anywhere from 10 to 30 percent. President Gorbachev recently announced that oil exports in 1991 were going to decline about 50 percent from 1990 levels. There are reports that water cuts in the Soviet production in 1982 was 38 percent and 1987 was 67 percent.<sup>1</sup> Another problem the Soviet Union has is the domestic pricing of their oil. Oil has been priced at 10 Rubles per barrel, (the official rate of .6 Rubles to \$1 = \$16 per barrel). However, the recent deregulation of the ruble to black market rates would indicate that oil is selling under 50 cents a barrel, well below the actual cost of extraction. Soviet oil fields have very real problems due to the dependence on cross border supplies of replacement parts from one republic to the other. Enhanced production capability is small. They also have very serious distribution problems, both in oil and natural gas, which is largely due to the lack of sophisticated compressors. Another problem is that money, which would normally be spent on exploration and maintenance, was diverted from the oil industry in the late 80's, at the critical moment it was needed to maintain production levels and increase exploration. In addition, it was recently reported that nine percent of all production in the Soviet Union is spilled every year, and 10 percent of all natural gas production leaks from the ineffective, but massive, pipe line systems.<sup>2</sup>

I have also been informed that the Soviets are attempting to build deep water ports that can handle U.L.V.'s which would indicate to me that they are anticipating becoming a net importer of crude oil in the relatively near future. One thing that they are currently doing is selling their high quality crude oil at the advantageous price and buying lower quality crude oil at lower prices and keeping the difference in hard currency.

In 1990, Iraqi oil was bartered for Soviet Military goods and was coming into the Soviet system, therefore distorting the true decline of Soviet domestic production. When the embargo was placed on the Iraqis, this exchange mechanism was lost and the Soviet Union's export earnings declined dramatically. The Journal of Commerce reported in January that the Soviets had lost over \$4 billion worth of revenues since the start of the Gulf War as a result of the embargo.<sup>3</sup> I believe the Soviets received somewhere between 500,000 and 700,000 B.P.D. of Iraqi crude

oil, which is no longer possible. My guess is that their exports are around 500,000 B.P.D. Forecasts for Soviet production is 10 to 11 million B.P.D. I believe that most Western forecasts overestimate Soviet production by at least 1 to 2 million B.P.D. I think Soviet production is between 8.5 to 10 million B.P.D. The key question is what is happening to the domestic demand? I am not sure that anyone, including the Soviet Union, can give you those numbers. What I can predict, however, is the production will continue to decline in the short run and the Soviet Union will continue to have major problems in its foreign exchange account. The Soviet Union offers great opportunity for oil and gas exploration. In order to attract outside capital, it will require better organization and a clearer definition of who is in control of its natural resources (i.e. central government or the republics).

We have previously discussed some of the economics of the United States. The United States is a mature province with significant gas reserves, capable of being developed at reasonable prices. The capital flowing into the U.S. oil and gas industry from a variety of sources in the 50's, 60's and 70's was massive. End users were investing hundreds of millions of dollars in order to try to hedge the run up in cost of raw materials. This included the transportation and chemical industries and other large users of energy. The tax structure in the United States in the 1970's was also helpful in attracting individual investors who had high marginal tax rates, and were investing in limited partnerships, primarily for the benefit of the independent oil and gas operators. This industry on straight economics was not competitive and when you eliminated tax breaks early in the 1980's it caused massive loss of capital for reserve growth in the U.S. The high lifting cost, and the uncertainty of oil prices eliminated a great deal of institutional capital for developmental purposes. (See Development Economics, Chart 3) This illustrates what oil price does to both the amount of recoverable reserves and the loan values to development economics, and why lending institutions are not able to take the risk associated with this form of finance. A great deal of U.S. oil exploration activity is being focused on overseas investment.

The U.S. has a low cost, consumer oriented gasoline tax structure that is the lowest for any major industrialized country, and leads to tremendous consumption, (close to half of the gasoline produced in the world is consumed in the United States). The large geographic region and lack of extensive public transportation causes the American consumer to drive more and therefore consume more gasoline. When prices go up it effects the consumer and the economy of the United States more dramatically than in other industrialized nations because of the low tax to product ratio. (Example, in the United States, the product makes up approximately 70¢ for every dollar a gallon gasoline price. When oil doubles in price in the U.S., gasoline goes from \$1 to \$1.70 in other industrialized nations such as Europe and Japan—where you have \$3 and \$4 per gallon tax—the price goes to \$3.70 or \$4.70, a 20 to 30 percent increase, whereas it is a 70 percent increase in price in the United States, thus causing greater economic damage to the U.S. This is what occurred in the fall of 1990.)

Another thing that has occurred in the United States in the past 10 years, has been the rapid expansion in the size of the New York Mercantile Exchange in trading oil and gas futures. Each day on the New York Mer-

<sup>1</sup> The Economist, April 13, 1991.

<sup>2</sup> The Economist, April 91.

<sup>3</sup> The Journal of Commerce and Commercial Journal 1991.



cantile Exchange it is not uncommon to trade as much as 50 to 100 million barrels, which equals or exceeds the total oil production in the world. The participants in these paper barrels are people who are using this mechanism to hedge inventories and also speculate on the direction of the price of oil because of the effect of weather, politics, production or demand. The events of last October indicate how fragile this market is and what it can do to damage world economics. I am convinced that the 700 million barrels of open contracts (which exceeded the total world strategic petroleum reserves that were in place when the embargo hit) caused the price of oil to exceed what it would have been had the Mercantile not been in place. The Mercantile offers refiners and other end users a way to hedge their inventory position and maintain a lower fixed barrel inventory. Some of the open contracts on the Mercantile had been sold short against the box—meaning they had sold short oil they had under contract from Kuwait and Iraq for forward delivery. The embargo prevented this oil from being delivered and so these short positions had to be covered. Sellers were unwilling to sell naked, so the selling dried up, because of the fear of future production flows, and the price went up. I personally believe that the International Energy Agency acted wisely by not recommending release of the strategic petroleum reserves at the time to prevent the price spike. The uncertainty over the future damage to the Saudi Arabian production and distribution facilities was unknown. Had the Iraqis knocked out the Gulf distribution facilities of Saudi Arabia, and eliminated the capability of 3 to 4 million barrels of oil and refined product going into the world market place, the S.P.R. would have had to be drawn down immediately in order to meet this massive short fall or the price of oil would have exceeded \$100 per barrel, perpetuating an economic collapse. (The surprising thing to me is why Saddam Hussein in the early days did not go on into Saudi Arabia and secure these facilities, his bargaining position would have been greatly enhanced for a negotiated settlement in the War.) One area of concern that I have is regarding the true daily sustainable deliverability of the S.P.R. around the world.

I would like to point out that the other bottleneck, in the world petroleum markets, is the lack of flexibility in the area of refining crude oil. The U.S., as a result of regulatory and entitlement programs, has downsized its refinery capacity since the early 80's. The Middle East has continued to expand its refinery capacity and the destruction of Iraq and Kuwait refineries shows the fragile nature of world product balance. The Clean Air Bill and other regulatory bottlenecks will prevent much increase in refinery capacity in the United States near term. However, I do believe that this is a correctable situation outside the U.S. over a relatively short term, i.e., to a two-to-three year period of time, as new refinery capacity comes on stream. Any unforeseen accidents could throw the product markets into further tight supply.

The U.S. is going through a re-evaluation of its national energy strategy. It remains to be seen if the political will of the United States is strong enough to change the direction of U.S. oil production and what future sources of energy will be desired and made available to the country.

Another trend is for the large producing nations to become involved in downstream operations in high use areas such as Europe and the United States. Producers find it at-

tractive to capture the downstream operations in order to increase margins on refined products during a time of decreased prices on crude oil.

Japan is undergoing a re-evaluation of its long term demand as a result of political opposition to increase nuclear use, and is looking to secure L.N.G. and oil supplies through out the world.

Countries all over the world are changing petroleum laws in order to attract the necessary capital to get technology and capital to develop their domestic oil and gas resources and other energy sources necessary to meet their internal demand with the hope to generate foreign exchange.

The present energy shock is different than the shock of the late 70's, because there are no major discoveries such as Alaska and the North Sea coming on stream to take up the slack. If you will look at the charts on crude oil production supplied by the Energy Information Agency (Chart no. 4) you will find the following: Because the Middle East is the low cost producer in a moderate to low pricing environment it will continue to gain world market share (unless governments decide that they will subsidize exploration and alternate energy development as a national priority, and forget about the free market mechanism supplying their energy).<sup>4</sup>

Governments of the world will be determining what type of policy they will be willing to adopt regarding these suppliers, and the ability to deal politically with this problem. I would like to present you with a model that I first came in contact with in the middle of 1985. (See chart 5) It was developed by a very capable and knowledgeable oil economist who has since passed away. I would like to show you this model because it was done in 1985 and we have not changed it. I believe that the model will speak for itself as to how accurate it has been to date. This model was developed in order to try to see where the long term vital interest of Saudi Arabia would best be served and where we believe that prices and production are headed. This model also had a great weakness which most models had until very recently—excluding the centrally planned economy. This can no longer be tolerated in order to forecast supply, demand and pricing as a result of the Soviet's problems.

I leave you with a challenge to agree or disagree with the validity of these assumptions and how each of you will be affected by a model such as this. Also consider what policy you believe necessary in your planning process. The conflict in the Gulf clearly indicates the fragile balance in the oil and gas market. Political instability in the Soviet Union can cause potential problems in the supply for oil and gas for Eastern Europe, the Soviet Union and the international market. What happens if further political and economic crises continue in the Soviet Union in this vital area? What happens in Japan if further problems develop within its nuclear industry? How long will it be in the United States before nuclear is a viable option in supplying additional energy sources? Will research continue to develop technology that turns natural gas into crude oil, similar to the process the South African's have developed? (Oil needs to be around \$30 per barrel in order to be viable.) Do governments subsidize this technology in order to reduce their dependence on the gulf region and

<sup>4</sup>I differ somewhat with the E.I.A. on forecasts concerning the Soviet Union. And I think that is the reason prices are a little firmer and markets are a little tighter than most conventional forecasts have predicted.

lower the need for the military option to be used to insure oil supply to the Western world? These are all questions that I hope are addressed, and each person represented will have different views, objectives and needs as a result of the geographic and political constraints.

These are just a few highlights that give this group something to discuss for the next two days. I welcome comments and criticisms.

## TIBET IS AN OCCUPIED COUNTRY UNDER ESTABLISHED PRINCIPLES OF INTERNATIONAL LAW

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. GILMAN. Mr. Speaker, on May 14, Abe Rosenthal in his "On My Mind" column in the New York Times wrote a timely article titled, "For China: Action Now." He clearly and poignantly argues why the United States should cut off most-favored-nation status [MFN] for the People's Republic of China [PRC] by shattering the myth that its withdrawal will discourage economic liberalization and isolate the PRC.

On May 7, I introduced House Concurrent Resolution 145 expressing the sense of Congress that Tibet is an occupied country under established principles of international law whose true representatives are His Holiness the Dalai Lama and the Tibetan Government-in-Exile.

On May 23, the Chinese Communist Party will be celebrating their 40 years of rule over occupied Tibet. The celebration, expected to be the largest display of force since the Chinese invasion, will focus on May 23, because it is the 40th anniversary of the signing of a 1951 document between representatives of Tibet and China, known as the 17-Point Agreement. The Dalai Lama and his Government repudiated the document when they fled into exile 8 years later, stating that it had been signed under duress. Tibetans fear the outbreak of further violence and feel resentment as the Chinese erect a 230-foot-high monument in Lhasa, the Capital of Tibet, commemorating the dreaded anniversary.

On May 6, a Chinese official said the foreign media would not be allowed to visit Tibet for the anniversary of its "peaceful liberation." Mr. Speaker, the Chinese authorities assert, on a daily basis, that the Tibetans are gleefully residing under Communist rule. If this is true then why won't foreign media crews be allowed in to document the festivities?

I urge my colleagues to consider this when the decision on whether or not to renew MFN comes up early next month.

Mr. Speaker, I request that the full text of Abe Rosenthal's article, "For China: Action Now", be printed in the RECORD at this point along with an article from Hong Kong AFP titled, "Official Says Foreign Press Not Welcome in Tibet."

[From the New York Times, May 14, 1991]

FOR CHINA: ACTION NOW

(By A.M. Rosenthal)

Jimmy Carter went to Communist China. He made a speech to Beijing's diplomatic

trainees. He spoke privately to China's leaders.

Always, he says, he made a point of supporting amnesty for some political prisoners and the right of Chinese students abroad to visit their country and leave again.

Then Mr. Carter returned to Atlanta, and promptly advised the United States to continue the special privilege of minimum tariffs that allows Communist China to sell \$15 billion of goods to us annually, about three times more than it buys.

Of course, under various laws and regulations the U.S. is not supposed to give those privileges to countries that do not allow its citizens to come and go freely or which generally act like beasts from hell. Law or not, most Americans would hardly favor giving those privileges to a country that specializes in slave labor, or which occupies and tortures another nation, as China does Tibet.

The lowest-tariff privileges, known as most-favored-nation status, are supposed to be for friends, not operators of countrywide gulags.

Oh, we get around that, we do. The President just waives the whole thing every year and Beijing goes on selling us the goods it needs to preserve the Communist dictatorship.

But Mr. Bush has to make up his mind any day now on whether he will waive again or state the simple truth that Beijing is in violation of American trading laws and every international human rights agreement.

What with additional disclosures of Communist brutality coming in from China and Tibet every day, and with Beijing shipping nuclear weapon ingredients and technology or missiles to countries all over the world, waiving is becoming more awkward.

China clearly intends to become a major nuclear and missile supplier, which would give it political as well as economic clout. So far it has supplied nuclear material or missiles to Pakistan, Algeria, India, Brazil, Argentina, Syria and South Africa.

Beijing's taste for murder, aggression and death-trade profits is a hot political issue in Congress. The majority wants to grab Beijing's attention by attacking the tariff privileges.

But Mr. Carter advises us not to be so "self-satisfied" about such rights as freedom of speech, press and religion. After all, the former President says, the Communist Chinese and leaders of other "socialist" countries point out "correctly" that in their countries certain rights are respected that the U.S. neglects—like the right "to have a decent home, a job and adequate health care."

Naturally, neither Mr. Carter's speech nor his advice to the butchers of Beijing were carried by the Chinese press, radio or TV. The outside world knew about it only because of the reports of foreign correspondents in Beijing, printed by the free American press about which we are so unbecomingly self-satisfied.

More embarrassing: Two days after Mr. Carter's Op-Ed comments about human rights in the "socialist countries" were carried in The New York Times, The Wall Street Journal reported from China that not all Chinese have jobs, houses or medical care and in fact between 30 and 50 million of them are wandering the countryside at the moment, searching for any of the three.

So despite Mr. Carter's advice, many members of Congress are demanding that tariff breaks end next year unless the President testifies that Beijing is granting full human

rights in China and Tibet and is getting out of the death trade.

But in separate bills, Senators Daniel P. Moynihan of New York and Jesse Helms of North Carolina are calling for immediate cancellation of the tariff privileges.

Some journalists and Americans in the China trade say that action at once would isolate China. That's a tired argument, historically false. Refusing those privileges to the governments of countries like the Soviet Union or Nicaragua isolated not the people, only the rulers they hated.

There would be a majority for certain action now, not possible action next year, except for fear of a Presidential veto. But human rights advocates in Congress think they could override a veto on a milder bill, to delay action another year but still leave the waiver with the President.

Maybe that is simply human rights politics. But the Communist lords of China have failed for almost a half-century to give their people real human rights, "socialist" or otherwise. It is past time for the United States to refuse to subsidize political tyranny any longer. That is simply human rights truth.

[From National Affairs, May 6, 1991]

#### OFFICIAL SAYS FOREIGN PRESS NOT WELCOME IN TIBET

BEIJING, May 6.—A Chinese official said Monday the foreign media would not be allowed to visit Tibet for celebrations later this month of the 40th anniversary of its "peaceful liberation" by the Chinese army.

"The majority of foreign journalists are friendly to Tibet, but some foreign journalists have distorted facts after they visited Tibet," said Zhou Jia, deputy minister of the State Nationalities Affairs Commission, at a press conference.

"Anyone is welcome to visit Tibet but Tibetans welcome friends and not people without goodness," he added.

He was answering questions on whether foreign journalists accredited in China would be able to go to Tibet during the May 23 celebrations to see for themselves the much vaunted major developments in the region in the last four decades.

Since martial law was lifted in the Tibetan capital Lhasa in 1990 and only a few individual authorisations have been given.

Mr. Zhou was commenting after the screening of three propaganda films for Chinese and foreign journalists on the improvements in Tibet since the local authorities signed an accord with Beijing May 23, 1951.

All the major news organisations accredited in Beijing have sent in requests for visits to Tibet, but have yet to receive any reply.

Mr. Zhou added that "under the pretext of tourism, some foreigners told Tibetan youths how to set fires" and protect themselves from tear gas.

Chinese authorities fear the celebrations will lead to rioting, particularly in Lhasa where Buddhist monks and nuns are spearheading a separatist movement.

Local press reports have said police surveillance in the capital has been reinforced.

#### TRIBUTE TO TANYA C. PACHECO

##### HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Tanya C. Pacheco of Pawtucket, RI, this years recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for William M. Davies Jr. Technical High School in Lincoln, RI.

This award is presented to the student chosen by William M. Davies Jr. Technical School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Tanya C. Pacheco has certainly met this criteria. She specialized in health careers in her 4 years at William M. Davies Jr. Technical High School. In all 4 years she made the honor roll. She also is a member of the Rhode Island Honor Society. Upon graduation Tanya Pacheco will attend nursing school.

I commend Tanya C. Pacheco for her outstanding achievements and wish her all the best in her future endeavors.

#### CUBAN INDEPENDENCE DAY COMMEMORATION

##### HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. FASCELL. Mr. Speaker, next week, on May 20, we will be celebrating the 89th anniversary of Cuban independence. It should be a joyous occasion. It should be an opportunity to recall with admiration and respect the courage and commitment of the Cuban people who fought more than a decade for their homeland. It should be an opportunity to recall the work of the great revolutionary leader, Jose Marti, in whose name we broadcast the message of freedom. And, it should be an occasion to recall the part that Americans played in this noble cause.

But, it is marred by our recognition that the vision of those who fought so valiantly has yet to be realized; Cuba is not independent today and the Cuban people are deprived of even the most basic fundamental human rights and freedoms.

It is especially tragic to witness the plight of the Cuban people as Communist regimes elsewhere crumble and millions of Eastern Europeans enjoy the benefits of democracy, some for the first time. Who can forget the image of the youth of East Germany dancing on the Berlin Wall and who would have imagined that former political prisoner Vaclav Havel would become the democratically elected president of his nation. We celebrated these events but, as we did, we were conscious that there remains in our own hemisphere a nation which is still subjected to a totalitarian Communist regime, which is yet to feel the slightest effect of the dramatic changes that are occurring elsewhere.

I would like to take this occasion to let the Cuban people know that they are not forgot-



ten. To the contrary, the events in Eastern Europe serve to reinforce our conviction that Communism and totalitarianism can be overcome, that the vision of the leaders of independence can be realized.

We know that in Cuba today there are individuals who continue to risk their livelihood—and lives—for the cause of human rights and freedoms. Today, there are probably several hundred political prisoners in Cuban jails, individuals whose only crime was the nonviolent expression of their political views. Among them is Mario Charmas de Armas, a security guard, trade unionist, and hero of the insurrection that ousted dictator Fulgencio Batista. He was arrested in 1961 on what international human rights organizations believe were trumped-up political charges. He has served 29 years in prison and is the world's longest held political prisoner. We want him to know that he is not forgotten, that we will continue to work for his freedom as we worked for the freedom of Ernesto Diaz Rodriguez, whose hand I had the honor of shaking today.

Mr. Speaker, the world is concerned about what is happening in Cuba. This year, for the first time, the United Nations Human Rights Commission in Geneva, spurred by American leadership, agreed to appoint a special rapporteur for Cuba. President Castro's response gives little cause for hope that his government will cooperate, but we have succeeded in putting him on notice that his arrogant disregard for internationally accepted norms of behavior can no longer be concealed.

Also this year, I sponsored, and the House of Representatives passed, a resolution condemning ongoing human rights violations in Cuba and calling upon the Cuban Government to release all those held in Cuban jails for the nonviolent expression of their political views. Our intention was to put the Cuban Government on notice that we are watching and to convey a message to the victims that American care.

Twenty-five years ago a group of Cuban exiles gathered in my district, in the State of Florida, and composed a Declaration of Freedom. The words of that stirring document remain as fresh and as compelling today as on the day that they were written. In commemoration of this anniversary, and as a fitting tribute on the occasion of Cuban Independence Day, I include the text of the Declaration of Freedom below:

#### DECLARATION OF FREEDOM

In the City of Key West, Monroe, County, State of Florida, United States of America, we the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1st, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurping the Government of the Country have been acting as mercenary agents for the Sino/Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurping the Power in Cuba

(as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hopes of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their master, the Sino-Soviet Imperialists.

In view of the foregoing, we declare.

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideas of the Freedom Revolution which was started on October 10th, 1968.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Noble Cuban People will not ever surrender, because that Nation was not born to be slaves, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us to free Cuba from Communism.

The fundamentals of this Revolution for Freedom are:

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, will all of its laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive and Judicial.

Seventh: Representatives of Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23rd day of January, 1966.

## THE HEALTH INSURANCE FOR CHILDREN AND MOTHERS ACT OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. STARK. Mr. Speaker, the passage of Medicare in 1965 provided payroll-tax financed health insurance for the elderly. The time has come to do the same for the other vulnerable groups within our society, children and mothers.

I am today introducing the Health Insurance for Children and Mothers Act of 1991 to provide publicly-financed health insurance to every child and pregnant woman in this country. My proposal would be financed by an increase in the payroll tax rate equal to the Medicare tax currently paid by employers and by employees.

I continue to be amazed about our national priorities given the number of children without health insurance protection. About 12 million children are currently without health insurance, and the problem is getting worse.

Medicaid is not the answer to this problem. Currently, only half of all poor children are covered by Medicaid. Of equal concern is that shortsighted reimbursement policies adopted by many State Medicaid programs, particularly with respect to physician payment, have barred access to health care for those who are covered by Medicaid.

Lack of health insurance coverage often means that proper care is delayed until the problem is serious. Research shows that uninsured persons are less likely to have children appropriately immunized, less likely to receive prenatal care, and less likely to see a physician if they have serious symptoms.

According to a report by the American Academy of Pediatrics, only 11 percent of children without health insurance reported excellent health, while 78 percent of children with private coverage reported excellent health. Children who did not visit a doctor in the last year were twice as likely to be uninsured as compared to children who made more than four visits.

We all know that relatively inexpensive immunizations of children pay huge dividends later in avoidance of communicable diseases. Yet, the proportion of children aged 1 to 4 immunized against each of the major childhood diseases declined between 1980 and 1985. The proportion immunized against measles dropped from 64 to 61 percent. The proportion of children immunized against polio dropped from 78 percent in 1970 to only 55 percent in 1985.

The net result of this neglect of the most basic health care service we ought to provide every child is that fully one-quarter of all preschoolers, and one-third of all poor children, are not immunized against the common childhood diseases.

Perhaps one of the most unfortunate statistics of all related to health care is that of the 56 million women in the United States of reproductive age, 14.5 million, or 26 percent of this population, are not covered for maternity services.

Although many of these women are poor and medicaid eventually pays for their delivery. I do not find it particularly surprising that we have problems with healthy babies when one in four women is not covered for pregnancy-related services.

One of the reasons for this is lack of prenatal care. A recent report found that about 20 percent of uninsured women received prenatal care late in their pregnancy compared with about 6 percent of women with private health insurance. Later prenatal care is one factor directly linked to negative pregnancy outcomes. Women who get insufficient prenatal care have double the risk of having a low-birthweight baby.

Infant mortality rates in the United States are very high, compared to other industrialized nations. The current rate of 10.6 infant deaths per 1,000 live births placed the United States 26th among nations worldwide.

It is bad enough that we allow 34 million Americans to go without basic health coverage. It is simply uncivilized that we continue to allow mothers to go without prenatal care, babies to go without well baby care, and children to go without immunizations.

No baby should be at the mercy of the charity care system. Each one deserves the protection which only social insurance can provide.

Almost 30 years ago we decided that senior citizens who had retired after a life of hard work deserved the protection which Medicare provides. The Nation's children deserve no less. I urge my colleagues to join with me to enact this legislation.

A summary of my bill follows:

#### SUMMARY OF THE HEALTH INSURANCE FOR CHILDREN AND MOTHERS ACT OF 1991

The Social Security Act is amended by adding at the end a new Title 21 which establishes a program of health insurance for children under 23 and mothers, to be financed by payroll taxes.

#### I. PURPOSE

Provide publicly-financed health insurance for all children through age 22 and for all women for their pregnancy-related medical care needs.

#### II. FINANCING AND CREATION OF TRUST FUND

The program would be financed by a 1.45 percent increase in the payroll tax paid by employers and by employees.

A new Children and Mothers Health Insurance Trust Fund in the payroll tax would be paid into the trust fund.

The Trustees of the Medicare Trust fund would oversee the new fund.

No funds from the current Medicare trust funds or the new trust fund could be commingled.

#### III. OPERATION OF THE PROGRAM

The program would be run by the Health Care Financing Administration using the reimbursement system, survey and certification system, quality assurance system (including utilization review), and data system of the current Medicare program, modified as necessary to fit the needs of children and mothers.

Funds from the Children and Mothers Health Insurance Trust Fund would be appropriated to pay the new program's share of the costs of these activities.

#### IV. POPULATION COVERED

Children: All children legally resident in the country would be covered until they reached their 23d birthday.

Women: Legally resident women would be covered after certification of pregnancy by a physician. The program would also pay retroactively for the pregnancy test and first examination necessary for the certification by the physician.

#### V. BENEFITS

Children: The following preventive services would be covered without co-payments or deductibles, based on a periodicity schedule developed by the Secretary in consultation with the American Academy of Pediatrics:

New born and well baby care;  
Normal newborn care; and  
Pediatrician coverage for high-risk deliveries.

Well Child Care:

Routine Office Visits;  
Required School Physical Examinations;  
Routine Immunizations (including the cost of the vaccine itself);  
Routine Laboratory Tests; and  
Preventive Dental Care.

The following benefits would be subject to copayments and deductibles and other restrictions in the same manner as currently apply under Part A and Part B of Medicare:

Hospital Services:

All medically necessary hospital services (subject to Professional Review Organization (PRO) Review);

Skilled Nursing Facility services;  
Home health care; and  
Inpatient mental health services.

Physician Services:

Physician services;  
Outpatient services;  
Diagnostic services;  
Medical equipment;  
Outpatient mental health services, including substance abuse;  
Physical therapy services;  
Speech therapy services; and  
Comprehensive outpatient rehabilitation services.

Mothers: The following services would be covered without copayments or deductibles based on a schedule developed by the Secretary in consultation with the American College of Obstetrics and Gynecology:

Prenatal Care, including care for all complications related to pregnancy;  
Inpatient labor and delivery services;  
Postnatal care; and  
Postnatal family planning.

The Secretary would be required to develop a list of reimbursable services and procedures related to normal pregnancy and highly prevalent complications of pregnancy. Services and procedures not included on the Secretary's list would be subject to prior approval by the Peer Review Organization.

#### VI. REIMBURSEMENT

Hospital Services: Hospital Services would be reimbursed under Medicare's current prospective payment system (PPS).

The Secretary would be directed to develop a new set of case weights (DRGs) to reflect the new types of cases reimbursable under this program. The weights would include a small reimbursement disincentive for cesarian section deliveries (the weight would be set such that payment equals 95% of average cost in the base year.)

Other services reimbursed under the hospital portion of the program would be reimbursed on a retrospective cost basis for the time being, until prospective systems can be developed.

Physician Services: Physician services would be reimbursed using a resource-based relative value scale and, except for obstetrical care and well baby and child care, would be subject to volume performance standards.

Obstetrical Services would be reimbursed using a global fee approach. Incentives would be included for early prenatal care and for care of mothers in certain high risk inner-city and rural areas. Reimbursement disincentives to cesarean sections would be included.

#### CONGRESSIONAL QUESTION PERIOD FOR MEMBERS OF THE CABINET

#### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. GEJDENSON. Mr. Speaker, I rise today to introduce legislation establishing a congressional question period for members of the President's Cabinet. My resolution would institute a question period on a trial basis, for the 102d Congress only.

Question period would take place on the first Tuesday of every month and would work in the following manner. The Speaker, after consulting with House leadership, would invite a Cabinet member to respond to congressional inquiries on the House floor. If the Cabinet member accepts the invitation, Members could submit written questions 7 days in advance. Both parties would be given equal question time. A 5-minute time limit would be placed on the Cabinet member's response to a submitted question. One followup question, by the Member asking the question, would be permitted.

My intention in drafting this legislation is not to embarrass the Cabinet in any way or to provoke partisanship. My proposal is fair and equitable to both the Cabinet member and my colleagues in the House. Cabinet members will be asked, not required, to appear before the House. They will be given the questions in advance and have ample time to prepare answers. My colleagues on both sides of the aisle will be given equal question time and permitted to have followup questions.

It is my hope that this proposal will provide better communication between Congress and the executive branch. I want it to give both branches the opportunity to work together and focus on the truly important issues of the day.

I believe question period would nicely supplement the current committee hearing process for exchanging information between the two branches. Often, because a Member is not on the right committee or does not have seniority, he is unable to question a Cabinet member. Under my proposal, such a Member would have the opportunity to do so. The Cabinet member is going to benefit from the question period as well, since it will expose him to a fuller range of congressional viewpoints.

Since question period will add an element of drama to our process of government, I think it will encourage more interest from the general public in government activities. This can only strengthen our system of democracy.

It should be noted that this legislation is constitutional and does not upset the balance



of power between the Congress and the executive branch. The resolution simply allows the Speaker, during the 102d Congress, to invite a member of the Cabinet to attend a question period. The Cabinet member is not required, by any legal constraint, to accept the Speaker's invitation.

Question period is not a new idea to American politics. In fact, during the First Congress, it was not unusual for Cabinet members and even President George Washington to appear before the House. In the course of the First Congress, Cabinet members appeared before the Senate 12 times, and 8 times before the House. Although, this practice was eventually phased out, the idea was never fully forgotten.

During the Civil War, Congressman George Pendleton introduced a bill giving Cabinet Secretaries floor privileges to debate matters affecting their departments. In 1943, Congressman Estes Kefauver sponsored a bill calling for the institution of a congressional question period for Cabinet members similar to that of the British system. Senator Walter Mondale followed Kefauver's lead in the 1970's, by introducing almost identical legislation.

Like these great leaders of the past, I hope my colleagues on both sides of the aisle will realize the true advantages a question period offers and support this resolution.

#### CLOSURES AND REALIGNMENTS

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. SMITH of New Jersey. Mr. Speaker, I was dismayed to learn that Department of Defense research and development laboratories, such as the Naval Air Propulsion Center [NAPC] in West Trenton, NJ, were included in the list of bases recommended for closure or realignment.

As my colleagues may recall, in the fiscal year 1991 Department of Defense authorization bill, we mandated the establishment of a separate Advisory Commission on Consolidation and Conversion of Defense Research and Development Laboratories. It was clearly intended that any streamlining of laboratories be overseen by this qualified team of research experts. I, therefore, urge the Defense Base Closing and Realignment Commission to exercise its authority to revise the Department of Defense recommendations and defer any realignment of laboratories until the Commission on Consolidation and Conversion [CCC] can thoroughly review the recommendations. Hopefully, the Base Closure and Realignment Commission will make its final decision in a manner that is consistent with congressional intent.

Conflicting reports on the efficiency of work performed at certain DOD laboratories reinforces the case for seeking the CCC analysis before realignments are permitted. In the DOD recommendation, the large engine test cells at NAPC have been recommended for relocation to the Arnold Engineering Development Center, Tullahoma, TN [AEDC]. Yet, according to the enclosed executive summary of an audit

report prepared by the inspector general of the Department of Defense, the aircraft engine testing at NAPC requires far fewer labor hours than similar jet engine tests at AEDC. This is evidence of cost-effectiveness at NAPC gives a concrete reason why the independent review of the CCC is necessary.

Mr. Speaker, many Members already know the value of the Naval Air Propulsion Center. For years, Navy aviators have flown the world's finest high performance jets, thanks to the work of NAPC. The unique engine test cells at the West Trenton facility were recognized by the Secretary of Defense for their value and have been retained for continued use by the Navy. Even if those activities which have been recommended for realignment are moved to Patuxent River, MD, or Tullahoma, TN, I would hope that, ultimately, the unique engine test cells remaining at NAPC would become a hub and attract additional business for aircraft engine testing for the entire Department of Defense.

It is vital, Mr. Speaker, that the CCC be given adequate time to review the laboratory plans. The Persian Gulf war demonstrated that investments in research and development give our forces a qualitative edge that wins battles. Any closure or realignment that threatens to change the laboratory system which produced so many successes should not be enacted before a detailed examination.

#### A MESSAGE FROM "WE THE PEOPLE"

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. CUNNINGHAM. Mr. Speaker, on April 14, 1991, representatives from the group We The People met with me in San Diego. As you know, that was the day before 1990 Federal income taxes came due.

They see their pay stubs like the rest of us, and how much the Government withholds in taxes every pay period. They read the papers and know that Washington still overspends its means, borrowing \$300 billion plus every year to cover Government spending, and adding to the \$3 trillion Federal debt that our children must someday repay.

What they tell me is that they are not getting the kind of Government they expect for the great deal of money expended.

We The People has composed a resolution expressing their displeasure with the Federal Government, which I now enter into the permanent RECORD of this Congress.

#### RESOLUTION

Whereas, The Founding Fathers of our Nation intended this government to be of the people, by the people, and for the people, understanding that this form of government could only be achieved and maintained through active participation by the people \* \* \*

Whereas, Our government representatives have become career politicians with incumbent reelection all but guaranteed, obviated the need for accountability to the people, failed to balance the federal budget for 21 years, mortgaged our future and put Amer-

ica on the path to national bankruptcy; refused to seriously address the systematic, pervasive, and truly critical problem of government waste that squanders untold billions of tax dollars annually \* \* \*

Whereas, Our government representatives have created the deficit problem—now over 3 trillion dollars—by refusing to keep government spending from exceeding the nation's means, placing onerous and oppressive tax burdens upon the American people (up to 50 percent including licenses, fees, fines, state, local, and other Hidden Taxes), by spending \$1.48 for every \$1.00 the government receives in revenue \* \* \* Therefore be it

Resolved, That We the People have each committed 48 cents to the Federal treasury to protest the reckless abandonment of our forefathers' vision, as a symbolic gesture to send our government representatives the message that we are united in rejecting the irresponsible and wasteful mismanagement of our Nation's funds, and that we will continue to communicate this message at the polls.

#### TRIBUTE TO MARCIA A. KIERNAN

### HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. MACHTLEY. Mr. Speaker, it is my distinct pleasure to congratulate Marcia A. Kiernan, of Forestdale, RI, this year's recipient of the Congressman Ronald K. Machtley Academic and Leadership Excellence Award for North Smithfield High School, in North Smithfield, RI.

This award is presented to the student chosen by North Smithfield High School who demonstrates a mature blend of academic achievement, community involvement, and leadership qualities.

Marcia A. Kiernan has certainly met these criteria. She is a member of the National Honor Society and ranks in the top 5 percent of her class. She is also a 4-year member of the student council and treasurer of the class of 1991. In addition, Marcia has participated 4 years on the varsity basketball team and captained both the volleyball and cross country team. She has also volunteered at the YMCA with handicapped children and taken part in the "Toys for Tots" collection drive and the American Cancer Society drive.

I commend Marcia A. Kiernan for her outstanding achievements and wish her all the best in her future endeavors.

#### A TRIBUTE TO NARFE ON THEIR 70TH ANNIVERSARY

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, this year the National Association of Retired Federal Employees [NARFE] celebrates its 70th anniversary. I think that we should pause to pay tribute to all this association has done for those men and women who devote their careers to the service of our country.

Since it was founded in 1921, NARFE has been a guardian of the rights of retired Federal workers. As the association grew in size to national preeminence, so it grew in importance to its members. Since the first revision of the Retirement Act was passed in 1926, NARFE has been instrumental in the evolution of the Government's retirement and disability income protection system for civil service retirees.

NARFE has consistently met its goal of promoting and preserving the interests of its members in a radically changing work force. The Federal benefit and retirement laws NARFE has been so instrumental in promoting are sensitive to the needs of society at large, as well as those of retired Federal employees.

Mr. Speaker, I am sure my colleagues join me in honoring NARFE on its first 70 years of superb service. We all look forward to the same high standards of service by NARFE in the future.

#### TRIBUTE TO RALPH R. ARUSSO

##### HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. REED. Mr. Speaker, I rise today to pay tribute to Ralph R. aRusso, mayor of the town of Johnston, on the occasion of a testimonial honoring his three decades of public service to Johnston and Rhode Island. As the first and only mayor of Johnston, Ralph aRusso is distinguished not only for being the longest running chief executive in Rhode Island—he was elected mayor in 1970, and has been re-elected 10 consecutive times—but for his progressive policies and compassionate leadership.

Ralph R. aRusso was born in Johnston on April 25, 1924. He attended Johnston public schools and graduated from Central High School in Providence. He enlisted in the U.S. Marine Corps in 1942 and served in the Pacific Theater of World War II at Okinawa, for which he was decorated by General Wallace.

After being honorably discharged from the corps, aRusso attended Bryant College and Johnson and Wales College, both in Rhode Island. He was elected to the Johnston Town Council in 1960, served as the town's first finance director during the 1960's, and was elected mayor in 1970. He is married to the former Tina Butera and is father to five children and grandfather to six.

Under Ralph aRusso's aggressive and accessible stewardship, Johnston has enjoyed unprecedented growth in the past 20 years, both economically and in terms of the variety of quality social services it offers its citizens. Johnston residents know Mayor aRusso to be a resourceful chief executive who will go to the mat for his constituents to retain the exemplary quality of living they have enjoyed during his terms of office. He is rightly revered for his commitment, and I number myself among his many long-time admirers.

Mr. Speaker, I ask you and my colleagues to join me in saluting Johnston Mayor Ralph R. aRusso. Thanks in large part to Mayor aRusso's distinguished service, I am indeed

proud that Johnston lies in the heart of my representative district. Mayor aRusso himself rightly owns a place in the heart of thousands of Rhode Islanders.

#### A THANK YOU TO NOLA COWSERT

##### HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. POSHARD. Mr. Speaker, I rise with a twinge of sadness but a great deal of pride to recognize a friend who will soon leave my office to go on to bigger and better things.

Nola Cowsert is a young woman I've had the privilege to know since her days as an aggressive and fair newspaper reporter for the Marion Daily American. I recognized her abilities, and after being elected to Congress asked if she would accept a position in my office, and I was pleased that she accepted.

For over 2 years Nola managed my office with efficiency, professionalism, and most importantly, a sense of humor. I wish I could tell you the number of people from my district who visited Washington and couldn't get away without saying a kind word for the job Nola had done to make their stay more enjoyable. Professional lobbyists have told me how considerate and helpful she has been in arranging meetings with me for them. In this town those kinds of compliments don't come easily. But they sure came from the people who had the pleasure of working with Nola.

Capitol Hill is known for a lot of things but romance is probably not one of them. Still, Nola met a young man named Tim Hansen who worked for an Illinois colleague of mine, and in the coming year they will become husband and wife. They make a wonderful couple.

The unfortunate part of that is Nola will be leaving my office after providing service well above and beyond the call of duty. She was the glue that held us all together, kept us on schedule and in line, and contributed tremendously to a highly successful first term. The people who work on our staffs probably don't get the recognition and thanks they deserve. I do not want that to happen in Nola's case.

As they say, "Good things happen to good people." And Nola is one of the best. She leaves with our love, thanks, and best wishes for a happy and prosperous future.

#### ALASKA'S IMPORTANCE TO U.S. ENERGY INDEPENDENCE

##### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. YOUNG of Alaska. Mr. Speaker, recent news reports have highlighted a study of a trend in oil use which is critical to the future of this Nation's vital energy supply. The study warns that seven Western States will become dangerously dependent on foreign petroleum as Alaskan oil production declines over the next decade.

The regional Oil Import Dependence Study documents the Pacific States' shift, beginning in 1976, from a dependence on Persian Gulf oil to petroleum produced on Alaska's North Slope. The study projects that, without a major new oil discovery in Alaska, the Pacific Coast again risks becoming nearly fully dependent on foreign oil between the years 1996 and 2010.

As many of our colleagues should know, in the midseventies, petroleum from Alaska's Prudhoe Bay replaced similar grade oil from the Persian Gulf supplied to most west coast refineries. The drop in imports of foreign oil along the West Coast as Alaska oil came on line is dramatic. For example, California's dependence on foreign oil dropped from 43 percent in 1976 of input to California refineries to 6 percent in 1990. The simple reason for this drop was that relatively inexpensive Alaska oil increased during the same time from 7 percent of oil input to 49 percent. Production at the existing Prudhoe Bay oil fields, however, peaked in 1989 and is expected to drop dramatically by the end of the decade if new sources in Alaska are not found.

As a result of this decline, the report projects that Hawaii, which currently receives 38 percent—50,000 barrels per day—of its oil from Alaska will, by 1996, become the first Western State totally dependent on foreign oil supplies—as they were in 1976.

The study also concludes that shipments of Alaskan oil to California, the region's largest consumer of petroleum products, will begin to decline by 1996 and end by 2006. Currently, 49 percent of California's oil—950,000 BPD—comes from Alaska, with 6 percent imported. The study forecasts that by 2006, Alaska oil shipments will end if new sources of Alaska crude are not brought on line and 70 percent—1.6 million BPD—of California's petroleum could be imported, most of it from the Persian Gulf.

In my neighboring State of Washington, before North Slope oil production began in 1977, Washington was 100 percent dependent on imported oil. In 1990, 92 percent of the oil refined in Washington came from Alaska. The report projects that by 2006, Alaska shipments will decline. By 2010 Washington's dependence on imported oil could rise to 57 percent. The Department of Energy in a recent study projected that the Trans-Alaska pipeline could be permanently closed for economic reasons around 2010. This would again leave Washington 100 percent dependent on foreign oil.

The study also determines that, as refineries in Washington and California convert from Alaskan to foreign-supplied oil, the surrounding States supplied by these refineries, Oregon and Nevada, and much of western Arizona, will also grow heavily dependent on Persian Gulf oil.

Mr. Speaker, I have long advocated proper exploration and development of the 1002 Coastal Plain Study Area of Alaska's North Slope. Many members have joined me in the effort to see that this area is not foreclosed from use of the benefit of all Americans. With the results of this study in mind, I urge my colleagues in the West to take a new, fresh look at our energy needs for this region. We hold the key to the future of our own independence from foreign oil dictates. It would be misguided



and foolish to fail to recognize the importance of Alaska energy to the future of our Nation. I urge my colleagues to review this study and to support proper development of Alaska energy resources, most notably the Coastal Plain of the Arctic National Wildlife Refuge.

#### TRIBUTE TO MICHAEL LANDON

#### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. GALLEGLY. Mr. Speaker, few individuals have brought more families together during the past 25 years than Michael Landon. By creating wholesome television entertainment that the entire family can enjoy, he has at times been almost a lone beacon in the vast wasteland of trash, sex, and violence that too often defines television today.

From his days as Little Joe on the long-running hit "Bonanza" through his outstanding work in creating, producing, and starring in "Little House on the Prairie,"—which was taped in my district—and then "Highway to Heaven," Michael Landon has produced a legacy that few people in Hollywood can match.

His shows have constantly depicted characters who are caring, concerned, and warm human beings—with human frailties but also with values and morals that too often don't exist on the screen. Those shows have touched millions of Americans, and have often been watched by far more people than programs aimed at the lowest common denominator.

Besides the outstanding ratings successes and vast popularity that his work has earned him, Michael Landon has also been honored by a wide range of organizations, including the California Foundation on Employment and Disability, the Academy of Family Films and Family Television, Religion in Media, the National Catholic Association of Broadcasters and Communicators, the Los Angeles County Commission for Women, Catholic and Jewish Big Brothers, and the League of Women Voters.

As most of my colleagues know, Michael Landon is now seriously ill. I ask them to join me in offering our wishes for his speedy recovery, and to join me in urging movie and television producers to think hard about following his shining example in the type and quality of entertainment programming.

#### ERRONEOUS CREDIT REPORTS

#### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. SHAW. Mr. Speaker, how many of your constituents have applied for a home or auto loan only to be rejected for bad credit? How many times has this been the result of an error in their credit report? A recent study has found that 1 in every 2 credit reports contain some type of error; and 1 in every 5 contain errors that are damaging enough to prevent a person from getting a loan.

On April 11, I reintroduced the Fair Credit Reporting Amendments of 1991. This bill provides the quick and simple remedy to this national problem—and at no cost to the Federal Government. Very simply, this bill would require credit agencies to notify consumers of any adverse information on their credit report. They would be required to do it within 30 days, and at no charge to the consumer.

Millions of honest consumers would be protected from the damaging effects of false credit information and careless mistakes. Requiring the country's credit agencies to extend this service to consumers at no charge is a courtesy they owe the American public. If you are interested in cosponsoring this piece of legislation, please contact my office.

#### NEW HAMPSHIRE HONORS EARL BOURDON AS A CRUSADER FOR SENIOR CITIZENS

#### HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. SWETT. Mr. Speaker, on May 19, Earl Bourdon will become the first recipient of New Hampshire's annual Claude Pepper Day Award. This award was named after our dear friend and colleague, Senator Claude Pepper. We best remember Senator Pepper for his achievements on behalf of the senior citizens of our great Nation.

It is most fitting that this award be given to Earl Bourdon, a man whose outstanding work on behalf of New Hampshire's elderly stands as a tribute to the memory and example of Senator Pepper. Earl Bourdon has long been known for his relentless dedication to the promotion of senior citizens' rights.

Mr. Speaker, Earl is recognized throughout his hometown of Claremont and the rest of New Hampshire as an unequalled advocate for the State's elderly community, particularly in relation to his fight for senior citizen access to quality health care.

In addition to Earl's work for the elderly, he also has spent his life working as an activist for social and economic justice. He has served as a dedicated union member since 1943 and for 21 of those years—from 1957 to 1978—he was a staff member of the Steel Workers of America.

Whether it was his fight for working men and women or his continuing efforts to lighten the load of the State's senior citizens, Earl Bourdon has always been dedicated to helping his fellow man.

Mr. Speaker, I ask my colleagues to join with me in paying tribute to Earl Bourdon on his receipt of the Claude Pepper Day Award.

#### BUREAUCRATIC BLACK HOLE AT EPA

#### HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. BOEHNER. Mr. Speaker, last Monday, the Department of Energy and the Environ-

mental Protection Agency announced they had reached an agreement on penalties EPA had assessed on DOE for noncompliance at the Fernald facility. While DOE has a responsibility to abide by all environmental laws and regulations, I fail to see how transferring tax dollars from one Government agency to another Government agency as a punitive measure does anything to further the cleanup process at Fernald or to protect the health and safety of Fernald employees or local residents. It seems to me instead of throwing tax dollars into a bureaucratic black hole at EPA, or at some high flying public relations ploy, the money would be better spent providing a safe water supply to the local citizens who have had their wells contaminated.

For too long the citizens of Butler and Hamilton Counties have been victims caught in the middle of this battle between bureaucratic Godzillas. The infighting to satisfy egos between DOE and EPA must come to an end. It is time for both agencies to quit fighting and put the interests of the people first by providing them with safe drinking water and getting on with the cleanup process.

#### EXCHANGE CLUB OF UNION CELEBRATES ITS 45TH ANNIVERSARY

#### HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. RINALDO. Mr. Speaker, one of the civic and business clubs that has been at the forefront of local community enterprise for many years is the Exchange Club. This national organization has a chapter in my hometown of Union, NJ, that is celebrating its 45th anniversary on May 18.

The men and women members of the Union Exchange Club have played an important role in making Union Township an "All America City." Besides stimulating business development and economic growth, the Union Exchange Club has dedicated itself to the youth of the community. Union is proud of the Exchange Club's record of sponsoring the Little League, Teener League, Rebel Softball, the Union Suffragettes, and other youth programs.

Academics also has been an important part of its youth program, and the scholarships, writing and spelling competitions, and other awards for academic excellence sponsored by the Union Exchange Club is one reason why the Union public schools were cited by President Bush and the U.S. Department of Education as a model school system.

The Union Exchange Club has also encouraged citizen participation in the community, and for 12 consecutive years it has received the national organization's Distinguished Service Award for its achievements.

Patriotism is expressed in many ways, and most certainly the Union Exchange Club and its members symbolize duty to the community and our country by promoting education, recreation, crime prevention, food baskets for poor families, and good citizenship programs. Their hard work and endeavors have made Union, NJ, a wonderful and distinctly American community.

I join with my colleagues in saluting Richard Grossman, the president, and members of the Exchange Club of Union on its 45th anniversary.

REPUBLIC OF CHINA HAS A  
BRIGHT FUTURE

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. JOHNSON of South Dakota. Mr. Speaker, as the Republic of China prepares to celebrate President Lee Teng-hui's first anniversary in office on May 20, 1991, I want to express my wishes for good luck and good fortune to President Lee, to my counterparts in Taiwan's Parliament, and to their country's representative in the United States, Ambassador Ding Mou-shih.

I recently had the opportunity to learn more about the positive development that have occurred under President Lee's leadership. When my good friend Larry Wang, director of the public affairs division of the Coordination Council on North American Affairs, told me that seven women lawmakers from the Republic of China would be visiting Capitol Hill during the Easter recess, I agreed to host a luncheon in their honor with my colleague, Bob Livingston of Louisiana.

Our April 2 luncheon was very rewarding. It gave me a firsthand opportunity to chat with these lawmakers from a country that is greatly admired by millions of Americans.

Ambassador Ding introduced Congressman LIVINGSTON and me to the visitors. He mentioned Louisiana's renowned Cajun cuisine and the filming of a world-famous motion picture, "Dances with Wolves," in my home State of South Dakota. He introduced the visitors as "well educated and truly representative of their constituents. They are progressive and firmly believe in their country's course of democratization. They and their colleagues in government, as well as the general public, believe that the future of the Republic of China lies with ever closer cooperation with all Western countries and especially with the United States."

I was very impressed with Ambassador Ding's remarks—wise, succinct, and to the point. I agree with what he said regarding development in his country, both the democratization process and the expanding relations with the United States and other nations. From my conversation with the visiting women lawmakers and what I have read in recent newspapers about Taiwan's new constitutional reform, I am confident of Taiwan's future and its increasingly more vital role in world affairs.

SO LONG COUNCILMAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. LEVINE of California. Mr. Speaker, it is with distinct pleasure that I rise today in honor

of one of my district's most active and prominent citizens. On May 21, 1991 Ronald A. Cawdrey will complete his tenure as a city councilman in Redondo Beach, CA.

Ron's departure from elected office comes after many years serving the constituents of his fifth council district. First appointed to the Redondo Beach City Council in 1982 and re-elected in 1983 and 1987, Ron has devoted his energy to improving the quality of life in that wonderful seaside community. A strong believer in people and their ideas, Ron has never been too busy to listen to the complaints or suggestions brought to him by his constituents.

I have little doubt that despite stepping down from his council seat at city hall, Ron Cawdrey will continue to be a force both in Redondo and throughout the South Bay. Since 1963 Ron has been active in his community; first as President of the Central Redondo Little League and then as president of Communication Workers of America Local No. 9580. In the early 1970's Ron was one of the chief architects behind the consolidation of five local unions into CWA Local No. 11513. Always politically involved, Ron was elected as president of the Redondo Beach Democratic Club and the South Bay Democratic Club in addition to his selection as a delegate to the 1976 Democratic Convention.

More recently, Ron has devoted his time to the boards of several local private industry councils, adult education in the South Bay, the Southern California Association of Governments, and the North Redondo Beach Rotary Club of which he has been named president-elect. I am certain that these important organizations will keep Ron busy doing good work in the months and years ahead.

Mr. Speaker, it is with a touch of sadness and considerable pleasure that I urge my colleagues in the House of Representatives to join me in congratulating Ronald A. Cawdrey as he departs the Redondo Beach City Council. A man of innovation, vision, and seemingly boundless energy, his extensive involvement in our community will surely be missed.

THE COPYRIGHT AMENDMENTS  
ACT OF 1991

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. HUGHES. Mr. Speaker, I am today introducing, for myself and the ranking Republican member of the Subcommittee on Intellectual Property and Judicial Administration, Mr. MOORHEAD, the Copyright Amendments Act of 1991.

Title I relates to the fair use exception to the exclusive property rights that Congress has extended to holders of copyright.

Under this exception, copyrighted material may be used without permission or payment if the use is fair and for a purpose identified in the law as in the public interest.

Uses cited in the law as examples of purposes entitled to special consideration are criticism, comment, news reporting, teaching, scholarship, and research.

Fair use originated as a judicial doctrine, which was codified in the 1976 Copyright Revision Act. In application, it continues as a judicial doctrine, applied on a case-by-case basis.

Title I of the bill deals with one of the many considerations which govern fair use analysis. Decisions of the Circuit Court of Appeals for the Second Circuit regarding this consideration—whether the work in question is published or unpublished—threaten to create a *per se* rule. Under a *per se* rule, if the work is unpublished, there can be no fair use.

Biographers, historians, literary critics, and other writers and creative artists frequently quote from unpublished letters and other unpublished works. Under the multiple factor analysis called for under the fair use doctrine, this has been permitted. However, writers are now being told by their lawyers that they can no longer do so without the approval of the author of the work in question.

These decisions seem to have strayed from the balancing of interests approach embodied in the fair use doctrine. They suggest that there is an absolute and unlimited property right in the owner of an unpublished work, and that all other fair use considerations are meaningless.

This is not consistent with the purpose and direction of American Intellectual Property Law, nor with the lengthy jurisprudence which shaped the fair use principles codified in section 107 of the Copyright Act.

Title I of the bill is designed to clarify the intent of Congress that the fact that a work is unpublished should continue to be only one of several considerations that courts must weigh in making fair use determinations. The fact that the work is unpublished ordinarily weighs against a fair use finding, but it does not end the analysis.

Title II of the bill provides an automatic renewal of copyrights secured on or after January 1, 1963, and before January 1, 1978, the effective date of the Copyright Revision Act of 1976.

The 1976 revision abandoned the affirmative renewal requirement for copyrights created after January 1, 1978. As a general rule, these copyrights now exist for the life of the author plus 50 years.

Under previous law, failure to apply for and renew a copyright in the 28th year meant that protection was forever lost.

Copyrights in their first term on January 1, 1978, were given a statutory term of 28 years from the date originally secured. After this period, they can be renewed for an additional 47 years, but this must be an affirmative renewal.

The copyright office is of the opinion, and I agree, that the public interest would be best served by making the 47-year renewal automatic when the original 28-year term begins to expire on January 1, 1992.

The public interest is served by affirmative registration of renewal. For example, registration facilitates the location of current copyright owners so that interested parties may negotiate licensing or other use.

However, the harshness of the sanction for failure to affirmatively renew—permanent and irretrievable loss of protection—and the high probability that many innocent parties will inadvertently suffer such a loss, convince me



that the better course of action is to provide automatic renewal.

This is particularly true because a remedy of equitable restoration of inadvertently and unjustly lost protection is not available to us.

The Constitution provides that exclusive rights such as those found in copyright may only be granted "for limited times." If they expire, for whatever reason, they pass irretrievably into the public domain.

The third title of the bill consists of a proposal submitted by the Librarian of Congress to revise and extend the National Film Preservation Act of 1988.

That act provides for the designation and preservation of U.S. made films which are culturally, historically, or esthetically significant. It authorizes a seal which may be displayed in the distribution of the original version of films which have been so designated, and requires the labeling of any such film which has been substantially altered from the original version, such as by colorization.

The 1988 legislation was the end product of an unsuccessful effort to secure proprietary rights in films for American film directors and screen writers similar to those enjoyed by their counterparts in some European countries.

In essence this called for the creation of copyright interests and remedial rights on the part of persons other than holders of copyright. If traditional intellectual property rights are to be expanded in such a manner, it should occur only after careful consideration in the appropriate legislative committees of the Congress. This was not possible in the context of a legislative amendment offered during mark-up of an appropriations bill, the forum in which these issues were considered in the 100th Congress.

Film preservation is an important and valuable undertaking which has broad support in the film industry as well as with the public at large. It should not be jeopardized by linkage to the highly controversial issues which have shown to reside in the debate over moral rights for film directors, screen writers, and other creative participants in the film making process.

The proposal developed by the Librarian addresses both these concerns. It is limited to matters of film preservation. When introduced and given appropriate legislative committee referral, it will be positioned to receive timely consideration under the process we refer to as "regular order." For these reasons, I am pleased to introduce the Librarian's proposal.

#### HONORING SOL NEEDLE

#### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. SCHUMER. Mr. Speaker, it is with great pleasure that I rise today in honor of Sol Needle, first vice president of the Mill Island Civic Association in my Brooklyn district.

As a husband, a father, a successful attorney, and a civic leader, Sol has been a pillar of our community for many years. Married with two daughters, Sol has taken an active role in his community through his work in the Mill Is-

land Civic Association, as a Community Board 18 member, and as a 63rd Precinct Council member. A successful attorney, Sol graduated from St. John's University School of Law, is a member of the American Bar Association, and is admitted to both the New York State and Florida Bars. In addition to these achievements, Sol is also an enlisted member of the U.S. Air Force and a member of the American Legion Knights of Pythias Post.

Sol Needle has been devoting his time, energy, and talents to the betterment of his neighbors in his Brooklyn community for many years. Leaders like Sol Needle make my job easier, and it is this type of service I am always pleased to recognize.

I want to congratulate Sol Needle on his many accomplishments, and on behalf of all who are touched by him, say thanks for his many years of distinguished service.

#### A TRIBUTE TO DETECTIVE FRANK CASEY

#### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mrs. ROUKEMA. Mr. Speaker, on May 16, the men and women of the Ridgewood, NJ, Police Department will gather to mark the retirement and celebrate the career of Detective Frank Casey. Joining the members of New Jersey PBA Local 20 will be elected officials, civic leaders, the officers of the New Jersey State Policemen's Benevolent Association and the family and friends of Frank Casey.

Frank Casey is retiring after almost three decades as a member of the Ridgewood Police Department. He has earned the respect and admiration of his community and his colleagues.

His distinguished career as a police officer, protecting the community from those that would seek to undermine its streets and homes would fill volumes. My intention here today, however, is to honor and acknowledge the great debt we owe to Frank Casey's service to the New Jersey PBA, his tireless involvement as an advocate for law enforcement professionals, and his service to the Congress. His service has been above and beyond the call of duty and exemplifies the best in his profession.

For 12 years, Frank Casey served as delegate to the New Jersey PBA. For 9 years he served on its board of trustees; for 2 of those years he was chairman of the board. He was also a vice president of the State PBA.

In these capacities, he was called upon to provide leadership and direction for the 30,000 members of the PBA. For this, every PBA member owes a debt of gratitude and thanks.

But, others besides the members of the New Jersey PBA have realized the benefits of Frank Casey's service.

Frank Casey has consulted on matters regarding taxation, retirement and benefit programs and has helped to shape Federal policy in the interest of police officers, and the people they serve, throughout this Nation.

When the House and Senate were considering the Tax Reform Act of 1986, it was Frank

Casey, who provided the testimony regarding the potential impact of the proposed revisions on pension plans and pension recipients.

As I understand it, Frank Casey logged more than 50,000 air miles trying to help us to understand the practical implications of the proposals that were under consideration.

This country's future is assured with more public servants like Frank Casey. For his commitment and distinguished service, I ask my colleagues to join with me in congratulating Frank Casey on his retirement.

#### STATES' RIGHT TO CONTROL OUT-OF-STATE WASTE

#### HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 1991

Mr. DORGAN. Mr. Speaker, I am pleased today to introduce legislation that will give States the right to deny the importation of waste from another State for disposal and to impose fees on out-of-State waste to help pay for recycling and waste management programs.

The disposal of waste has become an increasing problem over the last two decades. Everyone generates waste, but no one wants it around. So people look for places to dispose of it outside of their own backyards.

The problem is particularly acute in densely populated areas which lack inexpensive landfills in which to dispose of solid waste. So rather than look for local solutions, many municipal areas have simply chosen to ship their waste to other States where land is more plentiful and cheaper—sort of out-of-State, out-of-mind. It is not their problem if the receiving State eventually has to deal with the environmental problems caused by the waste, such as groundwater contamination from seepage, or air pollution from incineration.

The Federal courts call this interstate commerce. The right to ship your waste to an unsuspecting neighbor is protected under the Constitution. Under current laws, waste cannot be banned by the receiving States. Neither may receiving States impose fees on imported waste to help them pay for the cost of dealing with it.

Only Congress has the power to grant States the authority to control interstate shipments of waste through bans on out-of-State waste or by imposing fees to help recoup the full costs of disposal.

As the problem of waste disposal continues to grow, States clearly must have the authority to regulate waste generated outside their borders. A State should not be forced to accept waste from another jurisdiction which has not provided adequate facilities to deal with its own waste. After all, the exporting State has benefitted from the financial activity that went into generating the waste. This legislation would allow potential importing States to decide whether or not to accept the costs of out-of-State waste.

It does not apply to waste transported for recycling or reclamation. In fact, this legislation should promote recycling efforts in both waste importing and exporting States. It would pro-

vide States with the authority to impose fees on imported waste. Receipts from the imposed fees may only be used for recycling and waste management programs. Recycling and State waste management programs are in need of funding. This legislation would provide waste importing States with a new source of revenues with which to promote recycling pro-

grams. Exporting States, faced with higher costs of out-of-State disposal, would find it more cost-effective to recycle waste on the local level.

This issue is both a matter of States' rights and States' responsibilities. Trash is not commerce. It is an environmental problem. States have responsibility to deal with the environ-

mental problems generated within their own borders. Likewise, States should have the right to decide whether or not they want to deal with environmental problems from outside their borders.

I urge my colleagues to support this legislation.

#### STATEMENT OF SENATOR JIM COOPER

Mr. President, I am pleased to have the opportunity to discuss the importance of recycling and waste management programs. These programs are essential for protecting our environment and ensuring a sustainable future for our children.

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